UGANDA HUMAN RIGHTS COMMISSION

17th Annual Report

2014

Top Right Picture
School Children transported on a motorcycle *(boda boda)* without helmets.

Bottom Left Picture
Passengers without life jackets getting ready to embark on an overloaded boat at Jaana island in Kalangala District.

Bottom Right Picture
A village ambulance of Todora Health Centre IV in Nwoya District used mainly to transport expectant mothers.

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The 17th Annual Report of the Uganda Human Rights Commission To the Parliament of the Republic of Uganda

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MAP OF UGANDA SHOWING LOCATION OF UGANDA HUMAN RIGHTS COMMISSION'S REGIONAL AND FIELD OFFICES

The Rt. Honourable Speaker of Parliament,
Parliament of Uganda,
P.O. Box 7178,
Kampala.

Dear Madam,

RE: UGANDA HUMAN RIGHTS COMMISSION 17th ANNUAL REPORT TO PARLIAMENT

The Uganda Human Rights Commission (UHRC) has the pleasure and honour to present to Parliament its 17th Annual Report in accordance with Article 52 (2) of the 1995 Constitution of the Republic of Uganda.

The report is divided into two sections namely; the activities carried out by the UHRC (Chapters 1-4) and the state of human rights in the country (Chapters 5- 9). The former part highlights the activities of the UHRC in the year 2014, such as complaints management, inspection of places of detention and human rights education and the latter covers UHRC's analysis of the state of human rights in the country in 2014.

For God and my country.

Med. S.K. Kaggwa
CHAIRPERSON,
UGANDA HUMAN RIGHTS COMMISSION

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* Ms. Thecla Kinalwa passed away on 1st November 2014.

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ABBREVIATIONS AND ACRONYMS

ACCORD	African Centre for the Constructive Resolution of Disputes
ACHPR	African Charter on Human and Peoples Rights
ACODE	Advocates Coalition For Development and Environment
ACP	Assistant Commissioner of Police
ACRWC	African Charter on the Rights and Welfare of the Child
ACT	Artemisin Combination Therapy
ACTV	African Centre for Treatment and Rehabilitation of Torture Victims
ADRA	Adventist Development and Relief Agency
ADR	Alternative Dispute Resolution
AFFORD	A Health Marketing Initiative
AHSPR	Annual Health Sector Performance Report
AIDS	Acquired Immune Deficiency Syndrome
ANPPCAN	African Network for Prevention and Protection Against Child Abuse and Neglect
APT	Association for the Prevention of Torture
ART	Anti-Retroviral Therapy
ARU	Arua
ARVs	Anti-Retroviral Drugs
AU	African Union
BCG	Bacillus Calmette-Guerin (vaccine against tuberculosis)
BMUs	Beach Management Units
CAT	Coalition Against Torture
CBD	Convention on Biological Diversity
CCC	Canadian Commercial Corporation
CCEDU	Citizens Coalition For Electoral Democracy in Uganda
CD4	Cluster of Differentiation 4
CDC	Centre for Disease Control
CED	Convention for the Protection of all Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on Elimination of All Forms of Racial Discrimination
CESCR	Convention on Economic, Social and Cultural Rights
CHOGM	Commonwealth Heads of Government Meeting
CIID	Criminal Intelligence and Investigation Department
CIL	Complaints, Investigations and Legal Services

CITES	Convention on International Trade in Endangered Species
CMH	Commission of Micro Economics on Health
CMI	Chieftaincy of Military Intelligence
CMW	Convention on the Rights of Migrant Workers
COU	Church of Uganda
CPB	Cartagena Protocol on Biosafety
CPS	Central Police Station
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CTR	Central Regional Office
DANIDA	Danish International Development Agency
DCCs	District Coordination Committees
DFID	Department For International Development
DGF	Democratic Governance Facility
DP	Democratic Party
DPP	Directorate of Public Prosecutions
DPT	Diphtheria Pertussis and Tetanus
DRC	Danish Refugee Council
DRC	Democratic Republic of Congo
EC	Electoral Commission
ECLT	Elimination Child Labour in Tobacco Growing in Uganda
EmONC	Emergency Obstetric and New-born Care
EOC	Equal Opportunities Commission
ESAMI	East and Southern African Management Institute
ESCR	Economic, Social and Cultural Rights
Et al	Latin word for ‘ and others’
EU	European Union
F/Y	Financial Year
FCTC	Framework Convention on Tobacco Control
FDC	Forum for Democratic Change
FHRI	Foundation for Human Rights Initiative
FM	Frequency Modulation
FMC	Food Management Committee
FPT	Fort-Portal Regional Office
GATS	Global Adult Tobacco Survey
GIS	Geographical Information System

GIZ	(German Agency for International Cooperation) Deutche Gesellschat Fur Internationale Zusammenarbiet
GLU	Gulu Regional Office
GMO	Genetically Modified Organisms
GoU	Government of Uganda
GPS	Global Positioning System
HC	Health Centre
HIV	Human Immunodeficiency Virus
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
HMA	Hoima Regional Office
HRBA	Human Rights Based Approach
HRC-U	Human Rights Centre-Uganda
HRDs	Human Rights Defenders
HRE	Human Rights Education
HRIS	Human Rights Information System
HRNJ-U	Human Rights Network for Journalists-Uganda
HRO	Human Rights Officer
HSSP	Health Sector Strategic Plan
HURIFO	Human Rights Focus
HURINET (U)	Human Rights Network Uganda
IAA	International Air Ambulance
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICCU	Injury Control Centre Uganda
ICESCR	International Covenant on Economic Social and Cultural Rights
IDs	Identity Cards
IEC	Information, Education and Communication
ILO	International Labour Organization
IMR	Infant Mortality Rate
IPPS	Integrated Personnel and Payroll System
JCU	Justice Centre Uganda
JJA	Jinja Regional Office
JLOS	Justice, Law and Order Sector
JSC	Judicial Service Commission
KCCA	Kampala Capital City Authority
LC	Local Council
LDC	Library and Documentation Centre
LDU	Local Defence Unit

LWF	Lutheran World Federation
M & I	Monitoring and Inspections
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MARPS	Most At Risk Populations
MBR	Mbarara Regional Office
MDGs	Millennium Development Goals
MIA	Ministry of Internal Affairs
MIFUMI	An International Non-Government Women's Rights Organization based in Uganda
MMR	Maternal Mortality Ratio
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoH	Ministry of Health
MoJCA	Ministry of Justice and Constitutional Affairs
MoLHUD	Ministry of Lands, Housing and Urban Development
MoPS	Ministry of Public Service
MoWE	Ministry of Water and Environment
MPs	Members of Parliament
MRT	Moroto Regional Office
MSF	Medecins' Sans Frontieres
MSK	Masaka Regional Office
MTEF	Medium Term Expenditure Framework
NAP	National Action Plan
NDA	National Drug Authority
NDP	National Development Plan
NECOC	National Emergency Coordination and Operation Centre
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
NHP	National Health Policy
NMR	Neonatal Mortality Rate
NMS	National Medical Stores
NMT	Non Motorised Transport
NPA	National Planning Authority
NPDM	National Policy for Disaster Preparedness and Management
NRM	National Resistance Movement
NRSA	National Road Safety Agency
NSSF	National Social Security Fund
NTV	Nation Television
NUDIPU	National Union for Disabled Persons Uganda

OHCHR	Office of the High Commissioner for Human Rights
OIE	World Organization for Animal Health
OPCAT	Optional Protocol to the Convention Against Torture
OPDs	Out Patient Departments
OPM	Office of the Prime Minister
ORS	Oral Rehydration Salt
OXFAM	Oxford Committee for Famine Relief
PLE	Primary Leaving Examination
PLWHAs	Person Living With HIV/AIDS
PMTCT	Prevention of Mother to Child Transmission
PNFP	Private Not For Profit
PPOA	Public Procurement Oversight Authority
PRDP	Peace, Recovery and Development Program
PSPS	Public Service Pension Scheme
PSU	Professional Standard Unit
PWDs	Persons with Disabilities
RCDF	Rural Community Development Fund
RDC	Resident District Commissioner
RED	Research, Education and Documentation
RHMNCH	Reproductive Health Maternal, Newborn and Child Health
RHP	Reproductive Health Policy
RHRO	Regional Human Rights Officer
RLP	Refugee Law Project
RSA	Resident State Attorney
RS	Regional Services
RTRR	Reporting, Tracking Referral and Response
RWI	Raul Wallenberg Institute
SGBV	Sexual and Gender Based Violence
SRT	Soroti Regional Office
SWAP	Sector Wide Approach Programme
TBA	Traditional Birth Attendants
TRIPS	Trade Related Aspects of Intellectual Property
U5R	Under Five Mortality
UBC	Uganda Broadcasting Corporation
UBOS	Uganda Bureau of Standards
UCC	Uganda Communications Commission
UDHR	Universal Declaration of Human Rights
UGX	Uganda Shillings

UHRC	Uganda Human Rights Commission
UJA	Uganda Journalists Association
UK	United Kingdom
ULRC	Uganda Law Reform Commission
UN	United Nations
UN CAT	United Nations Convention Against Torture, Cruel, Inhuman, Degrading, Treatment or Punishment
UN OHCHR	United Nations Office of the High Commissioner for Human for Human Rights
UNAIDS	United Nation Programme on AIDS
UNATU	Uganda National Teachers Union
UNCST	Uganda National Council for Science and Technology
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund
UPDF	Uganda Peoples' Defence Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPR	Universal Periodic Review
UPS	Uganda Prisons Services
URA	Uganda Revenue Authority
URBRA	Uganda Retirement Benefits Regulatory Authority
URCS	Uganda Red Cross Society
URSB	Uganda Registration Services Bureau
USAID	United States Agency for International Development
UWA	Uganda WildLife Authority
VCT	Voluntary Counseling Testing
VHTs	Village Health Teams
WFP	World Food Programme
WHO	World Health Organization
WTU	Windle Trust Uganda

ABOUT THE UGANDA HUMAN RIGHTS COMMISSION

Vision

A society that respects human rights and fulfils civic obligations.

Mission Statement

To protect and promote fundamental human rights and freedoms in Uganda for sustainable development.

Corporate Values

1. Integrity, Transparency and Accountability
2. Fairness in the execution of functions and mandate
3. Dignity of the person is central
4. Independence, credibility and reliability as a National Human Rights Institution
5. Quality of Service delivery

Mandate

The functions of the UHRC as per Article 51 (1) are listed as follows: -

a) To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;

b) To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;

c) To establish a continuing programme of research, education and information to enhance respect of human rights;

d) To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights, or their families;

e) To create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;

f) To educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;

g) To formulate, implement, and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;

h) To monitor the Government's compliance with international treaty and convention obligations on human rights; and

i) To perform such other functions as may be provided by law.

Article 52(2) also requires the UHRC to publish periodical reports and submit annual reports to Parliament on the state of human rights and freedoms in the country.

Article 52(3) states that in the performance of it functions, the UHRC shall:

a) Establish its operational guidelines and rules of procedure;

b) Request the assistance of any department, bureau, office, agency or person in the performance of its functions; and

c) Observe the rules of natural justice.

Furthermore Article 48 (1) of the Constitution grants the UHRC an intervention role in situations where a State of Emergency has been declared, as stated herewith; "*The Uganda Human Rights Commission shall review the case of any person who is restricted or detained under emergency laws*".

Powers of the UHRC

Under Article 53(1) of the Constitution, the UHRC has the following powers:

a) To issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;

b) To question any person in respect of any subject matter under investigation before the Commission;

c) To require any person to disclose any information within his/her knowledge relevant to any investigation by the Commission; and

d) To commit persons for contempt of its orders.

The UHRC may, if satisfied that there has been an infringement of a human right or freedom, order:

a) The release of a detained or restricted person;

b) Payment of compensation; or

c) Any other legal remedy or redress

Independence of the UHRC

Under Article 54 of the Constitution, the UHRC shall be independent and shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

Expenses of the UHRC

Under Article 55 of the Constitution, the UHRC shall be self-accounting and all the administrative expenses of the UHRC, including salaries, allowances and pensions payable to persons serving with the commission, shall be charged on the Consolidated Fund.

The Chairperson and other members of the Commission shall be paid such salaries and allowances as Parliament may prescribe.

Removal of a Member of the Commission

Under Article 56, the provisions of the Constitution relating to the removal of a judge of the High Court from office shall, with the necessary modifications, apply to the removal from office of a Member of the Commission.

Staff of the UHRC

The appointment of the officers and other employees of the UHRC is made by the Members of the Commission in consultation with the Public Service Commission.

Laws governing the functions of the UHRC

The laws that regulate and facilitate the performance of the functions of the Uganda Human Rights Commission are the UHRC Act and UHRC rule of procedures.

UHRC ORGANOGRAM

ACKNOWLEDGEMENT

The Uganda Human Rights Commission (UHRC) acknowledges the support of the Government of Uganda, Development Partners and Civil Society in the performance of its functions. These include; UN Office of the High Commissioner for Human Rights, UN Office of the High Commission for Refugees, United Nations Development Programme (UNDP), DANIDA, Justice Law and Order Sector (JLOS), Association for the Prevention of Torture (APT), GIZ, Governments of United Kingdom, Netherlands, Denmark, Ireland, Norway, Germany and Austria. The UHRC appreciates financial support from the Government of Uganda, the Democratic Governance Facility (DGF) and to all those who extended their financial and technical support to ensure the successful production of this report.

The UHRC appreciates the Chairperson, Members of the Commission and the Secretary to the Commission for their guidance and suppport in the compilation and production of the report. UHRC acknowledges the members of the Editorial Board and drafts persons for their contributions in improving and drafting the report. These include the Chairperson Mr. Med S.K. Kaggwa, Member of the Commission Mr. Agaba Maguru, Secretary Mr. G.T Mwesigye, Ms. Nduru Patricia, Ms. Ruth N. Ssekindi, Ms. Ida Nakiganda, Ms. Ejang Margaret Lucy, Mr. Kamadi Byonabye, Mr. Mukasa Charles, Ms. Florence M. Munyirwa, Ms. Rose Mary Kemigisha, Ms Priscilla Nyarugoye, Ms. Paula Biraaro, Ms. Freda Nalumansi-Mugambe, Mr. Wilfred Asiimwe Muganga, Mr. Willy Agirembabazi, Mr. Farouk Nyende, Ms. Theopista Twembi, Ms. Juliet Logose, Ms. Rebecca Tino, Ms. Alexandria Kirunda, Ms. Kiiza Moreen, Ms. Gloria Namuleme, Ms. Diana Rutabingwa, Ms. Dianah Akampereza and Ms. Sarah Birungi.

The UHRC acknowledges its Directorate of Monitoring and Inspections in particular the Director, Ms. Patricia Nduru and her team: Ms. Paula Biraaro, Ms. Priscilla Nyarugoye, Ms. Freda Nalumansi-Mugambe, Ms. Diana Rutabingwa, Ms. Dianah Akampereza, Ms. Sarah Birungi and Ms. Felistas Atim-Odyek for spearheading and coordinating the annual report production process. Special gratitude also goes to the Heads of Units, Regional Human Rights Officers and all staff of the UHRC for their contribution to the process.

The Commission further acknowledges the contributions made by individuals and organizations during the consultative process. These include: Committee on Human Rights Affairs, Parliament of Uganda (Chairperson, Hon. Jovah Kamateeka); Electoral Commission (Chairperson, Eng. Dr. Badru M. Kiggundu); UN Office for the High Commisioner for Human Rights (UN-OHCHR) (Human Rights Officer, Mr. Javier Sanjuan); Uganda Prisons Services (Commissioner, Mr. Victor Aioka); Human Rights Network Uganda (HURINET-U) (Advocacy, Research and Information Officer, Mr. Patrick Tumwine and Coordinator, National Coalition of Human Rights Defenders Uganda, Ms. Jennifer Achaloi); Uganda Peoples' Defence Forces (UPDF) (Director Human Rights Affairs, Col. Charles Wacha); Ministry of Gender, Laour and Social Development (Commissioner, Children Affairs, Mr. James Kaboggoza); Uganda Police Force, (Directorate of Human Rights and Legal Services, Assistant Commissioner for Police, Ms. Dinah Kyasiimire; Directorate of Traffic and Road Safety, Assistant Commissioner for Police, Ms. Sarah Kibwika); Citizen Coalition for Electoral Democracy in Uganda(CCEDU) (Advocacy Officer, Mr. Moses Ngorok); and Advocates Coalition for Development and Environment (ACODE) (Advocate/Researcher, Mr. Peter Magelah).

Special gratitude also goes to the Ministry of Health (Senior Planner, Mr. James Mugisha); Office of the Prime Minister (Assistant Commissioner for Refugees, Mr. Charles Bafaki); Raising Voices (Advocacy Officer, Ms. Yvonne Laruni); Kalangala District Local Government (Local Council V Chairperson, Mr. Willy B. Lugolobi); Kampala Capital City Authority (KCCA) (Director, Legal Affairs Mr. Mike Okua and Mr. Richard Olobo; Uganda Wild Life Authority (UWA) (Legal Officer, Mr. Ali Luzinda); Uganda Aids Commission (Ms. Lillian Tawebwa); Uganda Red Cross Society (Interim Secretary General, Mr. Odur Ken Gabelle); and the Ministry of Justice and Constitutional Affairs (Senior State Attorney, Ms. Josephine Kiyingi. The information provided during the consultation meeting helped in enriching the draft annual report.

EXECUTIVE SUMMARY

This is the 17th annual report of the UHRC to the Parliament of Uganda on the situation of human rights in the year 2014. The report consists of nine chapters subdivided into two sections. Section 1 covers activities undertaken by the UHRC while Section 2 is an assessment of the state of human rights.

The information in this report is primarily based on: complaints received; investigations conducted including systemic investigations; inspection of places of detention; human rights education and outreach activities. In addition, the information in this report is based on the monitoring of: health facilities, refugee centers, schools, pre-election processes, evictions by specific statutory authorities, working conditions of human rights defenders. Information provided during interviews, focus group discussions and UHRC stakeholder and consultative meetings has also been made reference to in this report. The report makes reference to secondary information where relevant.

CHAPTER 1: COMPLAINTS MANAGEMENT IN 2014

This chapter analyses complaints received, mediated, referred, investigated and resolved by the UHRC. In 2014, complaints received by the UHRC decreased by 17.86% from 4,753 in 2013 to 3,904. As was the case in 2013, the UHRC received more complaints from male complainants. A total of 2,695 complaints were received from male complainants, representing 69.03% of the total complaints received in 2014, while 1,221 complaints (31.27%) were received from female complainants. At registration, male complainants constituted 70.77% of the complaints registered while female complainants constituted 28.79% of the total number of complaints registered in 2014.

In 2014, the UHRC registered a total number of 895 complaints on alleged human rights violations, making a 24.30% increase from the 720 registered in 2013. The increase in the number of complaints registered is attributed to the establishment of toll-free lines in all the UHRC's regional and field offices, which enabled 1,665 callers from the general public to report complaints or seek legal advice on various human rights issues. The deprivation of the right to personal liberty (detention beyond 48 hours) continued to be the highest registered complaint increasing by 34.54% from 275 complaints registered in 2013 to 381. This was followed by the complaints of torture, cruel, inhuman or degrading treatment or punishment which increased by 30.76% from 273 complaints registered in 2013 to 357. Denial of maintenance decreased by 4.37% from 137 in 2013 to 131 while the violation of the right to property increased by 22.22% from 63 to 77.

Since 2010, UHRC has registered a total number of 5,054 complaints. The top five complaints registered by the UHRC in the past five years include torture, cruel, inhuman or degrading treatment or punishment with 1637 (32.39%) complaints, deprivation of the right to personal liberty with 1,358 complaints (26.86%), denial of child maintenance with 734 complaints (14.52%), deprivation of property with 410 complaints (8.11%) and deprivation of life with 203 complaints (4.01%).

The highest number of complaints registered in 2014 was against the Uganda Police Force. These increased by 34.90% from 424 complaints registered in 2013 to 572 complaints. This was followed by complaints against private individuals which increased by 21.47% from 163 complaints in 2013 to 198. Uganda Peoples' Defence Forces had an increase of 103.63% registered against it from 55 in 2013 to 112. Complaints against the Uganda Prisons Services remained at 36 complaints while complaints against the Local Government increased by 14.28% from 28 in 2013 to 32. Since 2010, the UHRC has registered 5,054 complaints of which the Uganda Police Force has been the top respondent with 2,169 (42.1%)

complaints This is followed by private individuals with 1,070 (21.17%),Uganda Peoples' Defence Forces with 492 (9.73 %), Uganda Prisons Services with 177 (3.5%) and Local Governments with 183 (3.62%) registered against them.

In 2014, the UHRC investigated a total number of 1,884 complaints of which 812 complaints were investigated to completion, while 1,072 complaints were partially investigated. In addition, 121 complaints were mediated which was a reduction of 15.38% from the 143 complaints mediated in 2013. The denial of child maintenance was the most mediated complaint with 100 complaints marking 16.66% reduction from the 120 complaints mediated in 2013.

Complaints disposed of by the UHRC tribunal increased by 37.33% from 150 in 2013 to 206. Of the 206 complaints disposed, 138 were resolved in favour of the complaints while 68 matters were dismissed. The total amount awarded to victims of human rights violations in 2014 was UGX 1,167,980,000 (one billion, one hundred and sixty seven million, nine hundred and eighty thousand shillings) of which UGX 993,800,000 (nine hundred and ninety-three million, eight hundred thousand shillings) was awarded by the Tribunal and UGX 174,180,000 (one hundred and seventy four million, one hundred and eighty thousand shillings) was agreed upon by the parties through amicable settlement. The awards were mostly made in respect of the violation of the right to freedom from torture, the right to life and the right to personal liberty. In 2014, the UHRC faced challenges in handling complaints of human rights violations which included: the absence of a witness protection law which made witnesses reluctant to have their statements recorded or to testify, inadequate cooperation from respondents which affected timely resolution of complaints and the reluctance of some respondents and failure of complainants to appreciate alternative dispute resolution (ADR) mechanisms and settle their matters amicably.

Recommendations

1. Uganda Police Force should invest in training and re-training of law enforcement agents to equip them with modern investigation skills, in a bid to avoid use of torture in obtaining information.

2. Uganda Police Force and the Directorate of Public Prosecutions should be equipped with the necessary facilities to enable them to fulfil their constitutional obligation to produce suspects before courts of law within 48 hours and to efficiently perform their duties.

3. Ministry of Justice and Constitutional Affairs should handle matters proposed for amicable settlements in a timely manner and should ensure that the victims of human rights violations are promptly compensated.

4. Government through the Parliament and MInistry of Foreign Affairs should ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional preventive mechanisms in the prevention of torture and ill treatment.

5. State agencies and institutions indicated as respondents should cooperate with UHRC to enable it effectively implement its mandate and fight impunity in the country.

6. Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development and Ministry of Local Government should strengthen the institutions dealing with child-related issues such as the Family and Child Protection Unit of Police, the Family and Children's Court, the Probations and Social Welfare office and local council courts.

CHAPTER 2: CONDITIONS IN PLACES OF DETENTION

This Chapter assess the conditions in places of detention such as police, prisons, military detention centers, and remand homes. In 2014, the places of detention inspected by UHRC increased by 5.8% from 1,060 in 2013 to 1,122 in 2014. Of these were: 180 prisons, 22 military detention facilities, 232 were police stations, 681 police posts and 5 Remand homes.

Positive developments noted by the UHRC included: increase in the number of human rights committees in prisons and military detention facilities, phasing out the bucket system during the day, increase in construction and renovation of police facilities, increased access to health services in prison and police facilities, and an increase in detention facilities that had updated registers.

There were however some human rights concerns observed which included: persistence of cases of long and arbitrary detention in police, prison and military detention facilities, an increase in police detention facilities that did not provide adequate food, incarceration of children with adults, continued detention of prisoners awaiting ministers orders, increasing tendency by Crime Preventers and local Council Leaders to assume the role of Law enforcement officers and the dire working conditions of prisons and police.

Recommendations

1. Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service, Uganda Police Force the Uganda Peoples' Defence Forces and Ministry of Gender, Labour and Social Development to ensure that the rights of inmates and staff are respected.
2. Uganda Prisons Service, Uganda Police Force and Uganda Peoples' Defence Forces should enforce the Prohibition and Prevention of Torture Act (2012) in order to hold perpetrators of torture accountable in places of detention.
3. Parliament should amend the law to prohibit the detention of civil debtors in line with Government obligations under the International Covenant on Civil and Political Rights.
4. Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, Uganda Police Force and the Uganda Prisons Service should ensure that children in conflict with the law are separated from adults in all places of detention.
5. Central Government should take over the responsibility of funding the remand homes in order to address the perennial challenge of limited funding.
6. Justice, Law and Order Sector should strengthen the mechanism for diversion of children away from the criminal justice system including through mediation and arbitration.
7. Uganda Prisons Service, Uganda Police Force and the Uganda Peoples' Defence Forces should completely phase out the bucket system.
8. Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Ministers Orders.

CHAPTER 3: HUMAN RIGHTS EDUCATION AND AWARENESS PROGRAMMES

Human Rights Education is an essential component of the strategy for prevention of human violations. In 2014, 28,488 persons including law enforcement and security agencies, medical personnel and media fraternity, district local governments, schools and grass root communities were sensitised.UHRC trained 1,042 members of security agencies, 60 media practitioners and 39 medical personnel.

In addition, UHRC sensitised 1,743 students and 255 teachers in order to facilitate the formation of the peace clubs. Grass root human rights awareness increased by 10.6 % from 20,217 participants that attended in 2013 to 22,621 in 2014. Other awareness activities included 95 phone-in radio talk shows, 3,473 radio spot messages 14 television infomercials, 13 formal press conferences and commemoration of human rights days. Following the publicising of the toll free lines 1,665 people used the series to report human rights violations, follow up on complaints and seek legal and other advice.

Recommendations

1. Government through the Ministry of Finance, Planning and Economic Development should adequately fund Uganda Human Rights Commission's civic education mandate as well as support efforts to streamline civic education delivery in Uganda.
2. Government through the Judicial Service Commission should strengthen the legal education campaign to ensure that the general public is informed about the laws in place and their applicability to issues such as land and access to justice.
3. Uganda Law Reform Commission should simplify key laws in place so that the general public knows and appreciates them.
4. Uganda Police Force should intensify its community policing initiatives in order to enhance the community's appreciation of the role of police and the duties and responsibilities of citizens especially in maintenance of law and order.
5. Members of the public should fulfil their duties and responsibilities as provided for by the Constitution especially under Article 17 and in particular respect for human rights and the laws in place, in addition to promoting the rule of law.

CHAPTER 4: FINANCE AND ADMINISTRATION

The chapter highlights the support activities provided in 2014 in order to enable service delivery. This entailed the provision of goods and services, utilities, transport equipment, furniture and fittings human and financial resources. On 1st November 2014, the UHRC lost a Member of the Commission, Ms. Thecla Kinalwa.

In FY 2013/14 UHRC was allocated UGX. 13.06 billion which was a slight increase from the UGX 11.91 billion that was availed in FY 2012/13. This increase was due to the increased resource allocation by the Justice, Law and Order Sector from the Sector Wide Approach to development funds. Of the UGX 13.06 billion, UGX 9.78 billion (75%) was contributed by Government while UGX 3.28 billion (35%) was contributed by development partners. GoU contribution increased by 25.6% from UGX 7.27 billion in FY 2010/11 to UGX 9.78 billion. This however has not been commensurate with the needs of the UHRC, and the UHRC has continued to rely on donor funding to help fulfil its mandate.

Recommendations

1. Ministry of Finance, Planning and Economic Development should fully fund the Uganda Human Rights Commission to avoid the persistent challenges associated with over reliance on external financial support.
2. Ministry of Finance, Planning and Economic Development should raise the non-wage and wage Medium Term Expenditure Framework ceilings to enable Uganda Human Rights Commission meet its contractual obligations to staff and fully pay the outstanding arrears as well as pay a competitive wage to its staff.

3. Ministry of Public Service should review and approve the new staff structure to enable Uganda Human Rights Commission improve on its staffing levels.

4. Ministry of Finance, Planning and Economic Development should provide adequate Capital Development to enable Uganda Human Rights Commission establish more regional offices as well as procure vehicles for regional offices and speed boats for Kalangala and Buvuma Islands.

CHAPTER 5: EMERGING HUMAN RIGHTS CONCERNS

This chapter highlights certain emerging and recurrent human rights concerns because of their implication on the promotion and protection of human rights in the country. The emerging human rights concerns are: Early Warning in preparation of the 2016 general elections; forced evictions by Kampala Capital City Authority and Uganda Wildlife Authority; floods, hailstorms and road traffic accidents; violence against children in schools; the working environment of human rights defenders in Uganda; and the situation of refugees in West Nile and Western Uganda.

The concerns that were highlighted in the chapter included: issues that need to be considered in the 2016 general elections; factors leading to forced eviction and human rights concerns that arise out of forced evictions; human rights concerns from floods, hailstorms and motorcycle or *boda boda* accidents; challenges in the work of human rights defenders; impact of violence against children in schools and the challenges faced by refugees in realising their rights.

Recommendations on Early Warning in Preparation for the 2016 General Elections

1. Cabinet and Parliament should fast track the amendment and enactment of electoral laws relating to registration of voters, treatment of candidates, campaigning, polling, counting, transmitting, tallying and announcement of results among others so that the Electoral Commission can do its work in time.

2. Parliament and Ministry of Justice and Constitutional Affairs should undertake necessary electoral reforms in good time in consultation with other stakeholders such as Civil Society Organisations and political parties and organisations.

3. Government through the Parliament should urgently enact a law to effectively regulate campaign funding and empower the Electoral Commission to strictly monitor and enforce it.

4. Government through the Ministry of Finance, Planning and Economic Development should provide funding for political parties as well as full enforcement of the financing regulations established by the Political Parties Organisation Act (2005) in order to address the recent trends of monetisation elections.

5. Ministry of Finance, Planning and Economic Development should provide sufficient funds to Uganda Human Rights Commission and the Electoral Commission to effectively carryout civic and voter education.

6. Electoral Commission should train journalists from all media houses on conflict-sensitive reporting so that they can remain responsible even as they operate in the conflict-prone situation of elections.

7. Media practitioners should adhere to professionalism and responsible reporting practices.

8. Political Parties/candidates should cooperate with and work closely with the Electoral Commission police and other law enforcement agencies during the electoral process to ensure peaceful campaign meetings/rallies.

9. Ugandan citizens must fulfil their duties and responsibilities relating to elections including participating in all electoral processes like registration, nominations, campaigns, voting and maintaining peace.

10. Ministry of Internal Affairs and Ministry of Defence should strengthen the capacity of security agencies through among others, training to enable them effectively enforce the law.

Recommendations on Human Rights Concerns Arising From Forced Evictions by Kampala Capital City Authority (KCCA) and Uganda Wildlife Authority

1. Uganda Wildlife Authority and Kampala Capital City Authority should ensure the respect and observance of human rights during evictions by complying with national and regional standards as well as the United Nations Guidelines on Forced Evictions.

2. Uganda Wildlife Authority and Kampala Capital City Authority should institute measures to punish errant enforcement officers who violate the rights of people during evictions and ensure that they are subjected to the due process.

3. Government through the Office of the President, Office of the Prime Minister, the Ministry of Tourism, Wildlife and Antiquities and Parliament should expedite the process of de-gazetting land and opening boundaries in the affected national parks to resettle evicted communities.

4. Uganda Wildlife Authority and Kampala Capital City Authority should ensure prompt, fair and adequate compensation of lawful claimants arising from forced evictions by complying with the provisions of Article 26 of the Constitution.

5. Members of the public affected by evictions should comply with the law and seek legal redress if aggrieved.

6. Uganda Wildlife Authority and Kampala Capital City Authority should increase community sensitisation, collaboration and dialogue on compliance during evictions.

7. Ministry of Lands, Housing and Urban Development should initiate the process of harmonising laws on land tenure and review the Land Acquisition Act Cap 226 to bring it in line with the Constitution.

8. Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs should also harmonise the Kampala Capital City Authority, Uganda Wildlife Authority and National Environmental Acts to avoid contradictions in their implementation.

9. Kampala Capital City Authority should provide enabling policies and legislation on street vending.

10. Uganda Wildlife Authority and Kampala Capital City Authority should ensure appropriate training for law enforcement officers in crowd management and human rights education.

Recommendations on Recurrent Human Rights Concerns Arising out of Floods, Hailstorms and Traffic Accidents

1. Uganda Police Force and the Uganda Licensing Board should strengthen the implementation of the Traffic and Road Safety Act Cap 361. Specifically, Sections 59(a) and (i) of the Act which provide for testing drivers/ instructors and regulating driving schools and Sections 103 and 106 on inspections should be enforced to the letter;

2. The National Road Safety Council should be adequately facilitated to undertake preventive measures including road safety campaigns;

3. The Ministry of Works and Transport should inspect existing roads in order to redesign and reconstruct roads to remove black spots, seal potholes, place traffic signs and lighting to ensure safety of all road users;
4. The Uganda Police Force should diligently enforce the provisions in the Traffic and Road Safety Act Cap 361;
5. Government through the Parliament and the Office of the Prime Minister should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249(1) of the Constitution of Uganda;
6. Interventions by the Office of the Prime Minister and other stakeholders in disaster preparedness and management should apply the Human Rights Based Approach with special attention to vulnerable persons.
7. The Ministry of Finance Planning and Economic Development should provide a specific budget allocation for the response to and management of disasters.
8. Kampala City Council Authority should in line with its mandate and functions, organise and manage traffic and enact regulations for the proper management of the city; most especially motorcycle riders *(boda bodas)* in Kampala City.
9. Ministry of Works and Transport, Uganda Police Force and the Traffic Licencing Board, in partnership with relevant stakeholders, should popularise the provisions of the Traffic and Road Safety Act, 1998.

Recommendations on the Working Environment of Human Rights Defenders in Uganda in 2014

1. Human Rights Defenders countrywide should raise awareness of the UN Declaration on Human Rights Defenders whilst carrying out their daily work.
2. Human Rights Defenders should advocate for a human rights legislation that specifically guarantees the rights contained in the Declaration of Human Rights Defenders so as to domesticate the Declaration.
3. Ministry of Internal Affairs and Non-Governmental Organisation registration board should review the laws concerning the registration of Non- Governmental Organisations and ensure that they are conducive and facilitative of the work of Human Rights Defenders registering as Non-Governmental Organisations.
4. Ministry of Energy and Mineral Development should adequately facilitate requests for access to information especially concerning information in respect to the extractive industry.
5. Uganda Police Force should speed up all investigations concerning violations against Human Rights Defenders, especially the break-ins so that the culprits are prosecuted to ensure that Human Rights Defenders have access to justice and an effective remedy.
6. Uganda Law Reform Commission should review the Public Order Management Act 2013 to bring its provisions that are deemed to infringe on the rights of Human Rights Defenders in line with human rights standards.
7. Human Rights Defenders should access and make use of the Human Rights Defenders desk at Uganda Human Rights Commission as a way resolving any human rights violations they may face.

8. Human Rights Defenders should continue working and networking in order to increase the membership and capacity of the National Coalition on Human Rights Defenders.

9. Human Rights Defenders should continue to engage with Government official so as they can address any issues affecting their working environment without violent confrontation.

Recommendations on Violence Against Children in Selected Schools in Uganda

1. Ministry of Education and Sports should widely disseminate guidelines that provide clear reporting, tracking, referral pathways and responses that children, teachers, parents, members of the community and schools need to follow when they encounter cases of violence against children in and around schools.

2. Ministry of Finance, Planning and Economic Development should avail more funds to the Uganda Human Rights Commission to enable it carry out civic education especially on such issues.

3. Parents should comply with school rules and regulations that prohibit use of mobile phones and other gadgets by children.

4. Schools that allow the use of phones and gadgets should establish a mechanism to regulate and monitor how the children use them.

5. Ministry of Gender, Labour and Social Development should expeditiously amend the Children Act to pass legislation that explicitly prohibits corporal punishment. The amendment to the Children's Act that proposes a 36 month jail term for perpetrators of corporal punishment, will act as a deterrent to corporal punishment.

6. Ministry of Education and Sports should implement the provision in the School Health Policy which provides for a mandatory mid-day meal to be availed by either the school administration or parents.

7. Ministry of Education and Sports should embrace new technologies and amend the rules and regulations to take care of the new emerging technologies.

Recommendations on Rights of Refugees in West Nile and Western Uganda

1. Office of the Prime Minister should consider addressing the issue of family reunification because it is key.

2. Office of the Prime Minister and all stakeholders should apply the human rights based approach to refugee humanitarian assistance and ensure that the rights of refugees are promoted and protected.

3. Ministry of Health and Ministry of Education and Sports should construct and upgrade more health centres and schools respectively in refugee settlements to cater for the overwhelming numbers of refugees.

4. Refugees should know that rights go hand in hand with responsibilities and thus are required to respect laws and regulations of Uganda and avoid any form of illegal Acts.

5. Uganda Police Force should establish police posts in refugee settlements to help keep law and order.

6. Government through the Office of the Prime Minister should ensure that there is social cohesion in these refugee settlements in order to enhance harmony.

7. Refugees should also learn to live peacefully with others while in Uganda and the host communities should also co-exist with the refugees.

CHAPTER 6: HUMAN RIGHTS CONCERNS OF FISHING COMMUNITIES IN UGANDA

Focus on human rights concerns of fishing communities in Uganda followed a request from Parliament to investigate alleged harassment and arbitrary killings of fishermen. The UHRC investigations however, was broader and covered all human rights challenges faced by fishing communities. In light of this the UHRC noted positive developments taken to realize the rights of fishing communities including: provision of clean and safe water and improved access and quality of health services. The UHRC however noted human rights issues including: cases of illegal detention, arbitrary arrests, high HIV/AIDS rates, child labour; forced labour and unsafe working conditions.

Recommendations

1. Ministry of Education and Sports, Ministry of Health and Ministry of Local Government should extend social services to fishing communities through construction of schools, health centres, sanitation and hygiene facilities.

2. Ministry of Agriculture Animal Industry and Fisheries and Ministry of Water and Environment should address over-exploitation of water resources that threatens resource sustainability though strict enforcement of existing laws, policies and regulations.

3. Government should support empowerment of fishing communities, both through their social inclusion and building their capabilities to survive even outside the fishing business. The need for alternative means of survival needs to be considered.

4. Justice, Law and Order Sector should support improvements in the broader governance context including access to justice through creation of more police posts, adequate facilitation of Justice, Law and Order Sector institutions dealing with fishing communities.

5. Ministry of Agriculture, Animal Industry and Fisheries should integrate responsible fisheries policies in the National Development Plan with wider poverty reduction policies and provide appropriate allocation of central and local Government budgets.

6. Ministry of Agriculture, Animal Industry and Fisheries and Uganda Revenue Authority should block the importation of illegal fishing nets into the country so as to minimise their use. The ban should also be extended to all materials that can be used to make illegal nets.

7. Ministry of Agriculture, Animal Industry and Fisheries should strengthen and streamline the operations of the various stakeholders involved in fish management such as the District Fisheries Officers, Beach Management Units, Uganda Police Force and Law Enforcement Officers from the State Minister of Fisheries office.

8. The Uganda Police Marine Force should require every person operating on water to put on a life jacket and should strictly enforce the law on wearing life jackets while on water.

9. The capacity of the security personnel who operate among fishing communities should be enhanced with critical skills such as swimming and they should be provided with the appropriate equipment.

10. Community empowerment programmes by Human Rights Actors should encompass the human rights, duties and responsibilities of communities. The tendency for community members to sit and wait for the Government to take all decisions and provide everything should be fought.

CHAPTER 7: ACCESS TO ESSENTIAL HEALTH SERVICES AND REALISING HEALTH RELATED MILLENIUM DEVELOPMENT GOALS

The chapter is an assessment of the interventions made by the Government in 2014 in ensuring access to quality essential health services in order to attain the health related Millennium Goals (MDG 4, 5 and 6) that have a critical impact on the realisation of the right to health.

The UHRC inspected 538 health facilities comprising of 178 Health Centres IIs, 249 Health Centre IIIs and 34 Hospitals. In addition, the UHRC received 12 complaints of alleged violations of the right to health and discrimination on the ground of HIV/AIDS. Of these five were on denial of access to medical treatment; six were on medical negligence and one was on discrimination.

The UHRC noted on going constructions and renovations, access to HIV/AIDS services and access to health facilities. The UHRC however noted challenges including minimal improvement in the acquisition and replacement of Emergency Obstetric and Newborn Care equipment, lack of emergency transportation, high patient bed ratio inclusive of those in maternity and wards for children and inadequate supply of essential supplies

Recommendations

1. Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the health sector in line with the target of 15% of the national budget provided for in the Abuja Declaration in order to improve on access to essential health goods and services.
2. Ministry of Finance, Planning and Economic Development should allocate more funding to Ministry of Health for the District Primary Health Care Non-Wage budget to address the challenge of inadequate essential utilities such as water and electricity in health facilities.
3. Ministry of Health and National Medical Stores should train health workers on the procedures of proper requisition of essential drugs and supplies to eliminate instances of over prescriptions and drug shortages.
4. Ministry of Health and the National Medical Stores should supply the adequate number of essential medicines, supplies and equipment to all health facilities on time.
5. Ministry of Public Service and the Ministry of Health should revise and improve the salary scale and structure for health professionals especially critical staff that offer maternal, new born care and HIV/AIDS services especially in the hard-to-reach areas as a way of attracting and retaining health professionals.
6. Ministry of Finance, Planning and Economic Development, Ministry of Public Service and the Ministry of Health should increase the financial, human and capital or infrastructural investments in maternal, child health, HIV/AIDS and pharmaceutical sector interventions to meet the Millennium Development Goals and HSSIP targets.
7. Ministry of Health and the Public Service Commission should recruit and fill in the existing vacancies of critical staff especially those that offer maternal, new born care and HIV/AIDS services; bio engineers and medical equipment personnel to address the countrywide shortage of human resource.
8. Ministry of Finance, Planning and Economic Development should ensure that there is commensurate funding provided to the Ministry of Health for recurrent costs for utilities and/or maintenance arising from health infrastructural developments and equipment for health facilities at all levels.

9. Ministry of Finance, Planning and Economic Development should allocate more funding to Ministry of Health to address the challenge of essential drugs and supplies shortages.
10. Ministry of Works and Transport should improve the road infrastructure and transport network especially in hard-to-reach areas to enable patients' access health services.
11. Ministry of Finance and Economic Development should increase its budget allocation to the Uganda Human Rights Commission as an accountability mechanism to enable it adequately monitor and report on the state of health rights in the country.

CHAPTER 8: UHRC POSITION ON THE NATIONAL BIOTECHNOLOGY AND BIOSAFETY BILL, 2012, THE TOBBACCO CONTROL BILL, 2014 AND THE RETIREMENT SECTOR LIBERALISATION BILL, 2011.

The UHRC reviewed the National Biotechnology and Biosafety Bill 2012, The Tobacco Control Bill 2014 and the Uganda Retirement Sector Liberalisation Bill, 2011 to assess Government's compliance with its international treaty and convention obligations on human rights.

The UHRC noted that the National Biotechnology and Biosafety Bill 2012 focused on facilitating rather than finding a balance between facilitating and regulating the promotion of safe development and application of biotechnology for the development and release of Genetically Modified Organisms in Uganda.

The UHRC pointed out that the Tobacco Control Bill 2014 sought to domesticate Uganda's obligations under the World Health Organization Framework Convention on Tobacco Control. The UHRC however noted human rights concerns such the definition of a minor; the 100 metre radius rule; lack of provision for price and tax measures; lack of measures for public awareness; cessation of tobacco use; and viable economic alternative options that need to be addressed.

The UHRC also noted that the Retirement Sector Liberalisation Bill, 2011 attempts to provide for the right to social security for workers employed in both the formal and informal sector. The UHRC however notes that there are contentious issues that need to be addressed such :lack of comprehensive cover ensuring that all mandatory benefits as prescribed by international law are provided for; cessation of the mandatory payments to NSSF; the use of certain unclear and ambiguous terms; lack of access of information, among others.

Recommendations

1. The National Biotechnology and Biosafety Bill, 2012 be reviewed to address the human rights concerns that have been highlighted in order to fulfil the primary obligation of the state to provide an adequate level of protection in the safe transfer, handling and use of Genetically Modified Organisms.
2. The Tobacco Control Bill 2014, be reviewed to address the human rights concerns highlighted.
3. The Retirement Benefits Sector Liberalisation Bill, 2011 to address contentious issues highlighted in order to ensure the law is in compliance with Uganda's obligations.

   There is need to pass a social security policy which would provide the necessary guidance in its formulation, and also clarify the need for another similar legislation to cater for the social security of the people out of employment and the vulnerable groups.

CHAPTER 9: GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS

This Chapter outlines the various recommendations made by the UHRC to Government compliance with recommendations in previous annual reports. In 2014, there was 1.90% full compliance, 55.90% partial compliance and 42.20 % non- compliance.

Recommendation

UHRC continues to urge the Government to comply with all the recommendations that have been made so that the state of human rights in the country can greatly improve

CHAPTER 1
COMPLAINTS MANAGEMENT IN 2014

1.0 INTRODUCTION

One of the core functions of the Uganda Human Rights Commission (UHRC) is to resolve complaints arising out of human rights violations. This mandate is derived from Article 52(1) of the Constitution of the Republic of Uganda which specifically mandates the UHRC to "investigate at its own initiative or on a complaint made by any person or a group of persons against the violation of any human right". This mandate is fulfilled through investigations, mediation, counselling, giving advice, making referrals and through Tribunal hearings. The process of handling complaints on human rights violations is therefore aimed at ensuring that victims receive effective redress and that the perpetrators are held accountable for the human rights violations.

Alleged complaints of human rights violations may be brought to the UHRC by anyone, including the victims, relatives, friends, legal representatives, organisations, institutions, concerned parties or any one authorised by the victim. Any complainant may walk into any of the UHRC offices to register his/her complaint, may send a letter by email or fax or may make a telephone call. The UHRC offices where complaints may be lodged include:- the UHRC Offices at Twed Plaza, Lumumba Avenue in Kampala; or at any of the ten UHRC regional offices located in Arua, Kampala (Central Regional Office), Fort Portal, Gulu, Hoima, Jinja, Masaka, Mbarara, Moroto and Soroti; or at any of the nine UHRC field offices located in Kapchorwa, Kaberamaido, Kalangala, Kitgum, Kotido, Lira, Moyo, Nakapiripirit and Pader.

1.1 THE COMPLAINTS HANDLING PROCESS

Upon receiving complaints from complainants, the complaints are subjected to the UHRC's admissibility criteria so as to determine whether there is a likelihood of a human rights violation and whether the matter falls within the UHRC's jurisdiction. In the event that the matter fits the admissibility criteria, the complaint is then registered and investigations are commenced. Investigations are conducted by the UHRC to establish the facts relating to the alleged violation and may include field investigations to collect physical evidence and visit the violation scenes, interviewing of witnesses and respondents, obtaining documentary evidence, cross checking the authenticity of information received, as well as other practical forms of collecting of evidence. Once all the necessary evidence is collected, it is then analysed in accordance with the law. Where the investigators and legal officers are convinced that there is sufficient evidence to sustain the human rights violation, the complaint is then sent to the tribunal or mediated.

It should also be noted that the UHRC attends to all people who contact the institution for its intervention into their matters. As such, where a complainant lodges a complaint which the UHRC cannot handle, the person is either given advice on how to go about the matter or may be referred to another appropriate institution which can handle the particular complaint. In fulfilment of its mandate to protect and promote human rights, the UHRC also works closely with various national institutions and Civil Society Organisations (CSOs) where it refers matters that do not fall within its mandate or matters that these bodies are best placed to appropriately handle.

1.2 COMPLAINTS RECEIVED IN 2014

In 2014, the UHRC received a total number of 3,904 complaints[1] which constituted a 17.86% reduction from the 4,753 complaints received in 2013. The decrease in the number of complaints is attributed to the strict adherence to the admissibility criteria under the UHRC complaints procedures manual, the existing referral system where the UHRC works with other institutions and refers matters to them for appropriate handling, and the continued sensitisation and creation of public awareness on human rights issues which led to the increased observance of human rights. Table 1.1 below illustrates the number of complaints received per regional office and Figure 1.1 illustrates the proportion of complaints received per regional office in 2014.

Table 1.1: Number of complaints received by UHRC Regional Offices in 2014

Arua	Central	Fort Portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti	TOTAL
306	308	386	405	474	338	266	578	377	466	**3904**

As indicated in Table 1.1 above, Mbarara regional office received the highest number of complaints in 2014 totaling 578. This was followed by Hoima regional office with 474, Soroti regional office with 466, Gulu regional office with 405, Fort Portal regional office with 386, Moroto regional office with 377, Jinja regional office with 338, Central regional office with 308, Arua regional office with 306, and Masaka regional office with 266.

Fig 1.1 Proportion of complaints received per Regional Office in 2014

1.2.1 Complaints received disaggregated by gender

As was the case in 2013, the UHRC received more complaints from male complainants compared to the female complainants. A total of 2,695 complaints were received from male complainants, which marked a 69.03% of the total complaints received in 2014, while 1,221 complaints (31.27%) were received from the females. Table 1.2 below illustrates the number of complaints received in 2014 per regional office and disaggregated by gender.

[1]The complaints received represent all matters reported to the UHRC, whether admissible or not.

Table 1.2: Complaints received by gender in 2014

REGIONAL OFFICE	FEMALE	MALE
Arua	71	240
Central	85	223
Gulu	156	244
Fort Portal	123	263
Hoima	98	379
Masaka	100	169
Jinja	92	248
Soroti	149	321
Moroto	116	261
Mbarara	231	347
TOTAL	**1221**	**2695**

Figure 1.2: Proportion of complaints received by gender

1.3. COMPLAINTS REGISTERED BY THE UHRC REGIONAL OFFICES IN 2014

In 2014, the UHRC registered a total of 895 complaints of alleged human rights violations, making a 24.30% increase from the 720 registered in 2013.[2] The increase in the number of complaints registered is attributed to the establishment of toll-free lines in all the UHRC's regional and field offices, which enabled 1665 callers from the public to report complaints or seek legal advice on various human rights issues. The increase in the number of complaints registered is also attributed to the continued sensitization and creation of public awareness on human rights issues through grass root human rights awareness campaigns such as community barazas; media programmes; training of law enforcement officers; and the mobile complaints handling mechanism which involved UHRC staff going to communities distant from the regional offices to receive complaints of alleged human rights violations.

[2]Complaints registered are those that meet the admissibility criteria of human rights violations handled by UHRC.

In 2014, the Arua regional office registered the highest number of complaints at 173 (19.32%). This was followed by Gulu regional office with 117 (13.07%), Masaka regional office with 115 (12.84%), Soroti regional office with 103 (11.50%), Moroto regional with 89 (9.94%), Hoima regional office with 79 (8.82%), Mbarara regional office with 59 (6.59%), Jinja regional office with 58(6.48%), Central regional office with 57 (6.36%), and Fort portal regional office with 45 (5.02%).

The complaints registered by the Arua regional office increased by 246% from 50 complaints registered in 2013 to 173 in 2014. This increase in the number of cases registered by Arua Regional Office is attributed to the establishment of the Moyo field office, which referred a total of 30 complaints to Arua regional office in 2014. The Central regional office registered 57 complaints, which marked a 36.66% reduction from the 90 complaints registered in 2013. This reduction was partly attributed to the creation of the Hoima regional office, which assumed Kyankwanzi District which was originally under the jurisdiction of the Central regional office. In addition, the existence of various institutions and Civil Society Organisations (CSO) dealing with human rights issues in Kampala enabled the Central regional office to have more options for referrals and thus registering fewer complaints.

In this regard therefore, it is important to note that even though the Central Regional Office received 308 complaints, it registered less complaints at 57 (18.50%) compared to Arua Regional Office which received less cases at 306 but registered more complaints at 173 (56.53%). Table 1.3 below illustrates the total number of complaints registered per regional office in 2014 while Table 1.4 shows the number of complaints registered per regional office since 2011. Figure 1.3 illustrates the number of complaints registered per regional office since 2011.

Table 1.3: Complaints registered in 2014 per Regional Office

REGIONAL OFFICE	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Arua	03	11	25	02	19	11	31	16	20	08	12	15	173
Central	04	08	08	04	07	05	04	05	03	02	03	04	57
Gulu	01	26	05	18	10	09	00	25	03	07	04	09	117
FPT	01	03	07	04	02	03	06	07	06	03	02	01	45
Hoima	02	02	16	07	02	07	11	04	01	00	09	18	79
Jinja	05	08	04	03	04	05	06	05	05	08	03	02	58
Masaka	09	09	04	20	12	13	03	08	06	11	15	05	115
Mbarara	12	03	08	03	04	04	06	06	05	02	05	01	59
Moroto	02	04	02	01	16	06	15	20	06	15	02	00	89
Soroti	05	06	26	17	03	09	19	02	04	10	02	00	103
TOTAL	44	80	105	79	79	72	101	98	59	66	57	55	**895**

Table 1.4: Complaints registered per regional office since 2011 to 2014

REGIONAL OFFICE	2011	2012	2013	2014	TOTAL
Arua	100	48	50	173	**371**
Central	211	95	90	57	**453**
Gulu	129	92	84	117	**422**
Fort Portal	92	69	58	45	**264**
Hoima	0	0	2	79	**81**
Jinja	105	53	54	58	**270**
Masaka	77	79	108	115	**379**
Mbarara	60	78	90	59	**287**

REGIONAL OFFICE	2011	2012	2013	2014	TOTAL
Moroto	128	63	50	89	**330**
Soroti	119	129	134	103	**485**
TOTAL	1021	706	720	895	**3342**

As indicated in Table 1.4 above, Soroti regional office had registered the highest number of complaints registered since 2011 at a total number 487, which constituted a 14.57% of the 3342 total number of complaints registered in the last four years since 2011. As indicated above, Hoima regional office registered the least number of complaints at 81, constituting a 2.42% of the total complaints registered[3].

In 2014, there was a general increase in the number of complaints registered in the various UHRC regional offices, with a notable increase in the complaints registered by Arua Regional office whose complaints increased from 50 in 2013 to 173 in 2014. This increase was attributed to the establishment of Moyo field office which is under the jurisdiction of Arua Regional Office. Gulu Regional office also registered an increase in the number of complaints from 84 in 2013 to 117 in 2014 while Masaka Regional office registered 115 complaints in 2014 from 108 in 2013. Hoima Regional office also registered an increase from 2 in 2013 to 79 in 2014, Jinja registered a slight increase with 58 in 2014 from the 54 in 2013 whereas Moroto Regional office recorded an increase from 50 in 2013 to 89 in 2014.

The increase in the number of complaints in most regional offices was attributed to the receipt of complaints during the community barazas and while conducting monitoring visits in places of detention. It was also attributed to the mobile complaints handling mechanism during the year as well as the continued sensitization activities conducted during the year, which contributed to the increase of awareness of people on their rights. While most regional offices registered an increase in the complaints registered, the Central regional office had a reduction in complaints registered from 90 in 2013 to 57 in 2014, Fort Portal regional office had a reduction from 58 in 2013 to 45 in 2014, Mbarara regional office registered a reduction from 90 in 2013 to 59 in 2014, while Soroti Regional office registered a reduction from 134 in 2013 to 103 in 2014.

Figure 1.3: Complaints Registered per Regional Office since 2011 to 2014

[3]Hoima Regional office was established in October 2013'

1.3.1 Nature of alleged human rights violations registered in 2014

In 2014, the deprivation of the right to personal liberty through detention beyond 48 hours was registered as the highest alleged violation, marking a 34.54% increase from 275 in 2013 to 381 in 2014. Complaints on torture, cruel, inhuman or degrading treatment or punishment followed at 357, representing 30.76% increase from the 273 complaints registered in 2013. Complaints on denial of maintenance were registered at 131, which constituted a 4.37% reduction from the 137 complaints registered in 2013. The violation of the right to property registered 77 complaints, marking a 22.22% increase from the 63 complaints registered in 2013. Table 1.5 presents a summary of the nature of complaints registered in 2014[4].

Table 1.5: Violations registered at UHRC Regional Offices in 2014

NATURE OF VIOLATION	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Torture, Cruel, inhuman or degrading treatment or punishment	32	39	22	48	31	23	34	18	58	52	**357**
Detention beyond 48 hours	102	12	13	77	56	13	24	22	08	54	**381**
Denial of child Maintenance	30	09	18	06	01	-07	35	14	09	02	**131**
Deprivation of Property	14	05	-	13	07	04	07	04	20	03	**77**
Deprivation of life	05	02	02	08	02	01	03	04	12	01	**40**
Violation of the right to health	-	03		-	01	01	06	02	-	-	**13**
Violation of the right to a fair and speedy trial	01	02	-	01	-	-	01	01	01	-	**07**
Discrimination on grounds of sex, religion, HIV/AIDS, disability	-	01	-	-	-		01	01	-	-	**03**
Denial of pension	-	02		-	-	-03	-		-	-	**05**
Unlawful termination from work	-	-	-	-	-	01	02	-	-	-	**03**
Workman's compensation	-	-	-	-	-	01	-	-	-	-	**01**
Delayed Investigations by Police	-	-	-	-	02	04	-	-	-	-	**06**
Denial of education	21	-		-	-	-	01	09	02	05	**38**

[4]Natures of complaints registered are more than the total number of complaints registered because one complaint can have more than one alleged human rights violation.

NATURE OF VIOLATION	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Denial of remuneration	-	01		-	-	10	12		-		**23**
Unlawful detention	-	-	01	06	-	-	04	-	01	-	**12**
Denial of social security benefits	-	-	-	-	-	01	-	-	-	-	**01**
TOTAL	**205**	**76**	**56**	**159**	**100**	**69**	**130**	**75**	**111**	**117**	**1098**

1.3.2 Analysis of the nature of Complaints registered in 2014

As indicated above, the highest number of complaints registered in 2014 was with regard to the detention beyond 48 hours which constituted 34.69% of the 1098 total number of complaints registered. Most of the complaints registered on the alleged violation of the right to personal liberty and detention beyond 48 hours were against the Uganda Police Force (UPF), constituting a total of 348 complaints.

The UHRC noted that most detention beyond 48 hours occurred due to Police's failure to release suspects on police bond either intentionally or for fear that the suspects could pose a significant risk or harm to the community, or that the suspect could fail to appear before the court for trial. The UHRC further noted that suspects were detained in police custody for long unlawful periods of time due to delays by the Resident State Attorneys to sanction charges on files, lengthy investigations, limited resources as well as inadequate investigation skills. The UHRC observed that the continued detention of suspects in police custody beyond the lawful time often created congestion in some police cells and a challenge with regard to suspects accessing food and water, as well as good hygiene and sanitation.

As already stated, complaints on the violation of the right to freedom from torture and ill-treatment increased by 30.76% in 2014. Most of the complaints registered with regard to torture and ill-treatment were against state agents with the UPF topping the list at 202 complaints. The UPDF had 74 complaints of alleged torture and ill-treatment registered against them, Uganda Prisons Service(UPS) had 26 complaints of torture, private individuals had 28 complaints of torture, Local Government had 7 complaints, educational institutions had 5 complaints, private security companies registered 4, Uganda Wild life Authority registered 8 of torture, KCCA had 1 complaint registered against the institution, Clan leaders had 1 complaint and Gulu remand home registered 1 complaint of torture. The UHRC noted that the alleged violation of torture and ill-treatment mostly occurred during pre-trial detention while interrogating suspects.

As indicated in Table 1.5 above, complaints on the denial of child maintenance ranked third among the top violations constituting 11.93% of the total number of complaints registered. The UHRC noted with concern that some parents had abandoned their duty to provide child care and support for their children in contravention of section 5 of the Children Act Cap 59. In most of the complaints, parents especially fathers had refused or failed to provide school fees for their children's education or financial support for their children's social welfare such as medical treatment, food, shelter, clothing and others. It is however important to note that complaints related to denial of child maintenance reduced by 4.37% from 137 in 2013 to 131 in 2014.

The UHRC also noted an increase in complaints on deprivation of the right to personal liberty by 29.15% from 295 in 2013 to 381 in 2014, as well complaints on the deprivation of the right to property which increased by 22.22% from 63 in 2013 to 77 in 2014. Deprivation of the right to life increased by 66.66% from 24 in 2013 to 40 in 2014, while the denial of the right to education increased by 100% from 14 in 2013 to 28 in 2014. The violation of the right to health increased by 333.33% from 3 in 2013 to 13 in 2014, while unlawful arrest or detention increased by 200% from 4 in 2013 to 12 in 2014. Complaints on denial of remuneration and pension increased by 21.73% from 23 in 2013 to 28 in 2014.

In addition to reduction to the number of complaints on denial of maintenance, those related to violation of the right to fair and speedy trial reduced by 82.35% from 17 in 2013 to 3 in 2014, while complaints against unlawful detention reduced by 25% from 4 in 2013 to 3 in 2014.

1.3.3 Analysis of the top five alleged violations in 2010, 2011, 2012, 2013 and 2014

Since 2010, the UHRC has registered a total number of 5,054 complaints. The top five complaints which the UHRC has registered in the past five years include; torture, cruel, inhuman or degrading treatment or punishment; deprivation of the right to personal liberty (detention beyond 48 hours); denial of child maintenance; deprivation of the right to property and deprivation of the right to life.

Table 1.6: Trends of the top five complaints registered since 2010

COMPLAINT REGISTERED	YEAR					TOTAL
	2010	2011	2012	2013	2014	
Torture	276	428	303	273	357	1637
Personal liberty	181	264	233	295	385	1358
Maintenance	197	224	45	137	131	734
Property	97	112	57	63	81	410
Life	52	60	27	24	40	203
TOTAL						**4342**

As indicated in Table 1.6 above, Torture, cruel, inhuman or degrading treatment or punishment remains the highest registered complaint over the past five years with a total of 1,637 complaints registered, representing a 32.39% of the total number of complaints registered. The deprivation of the right to personal liberty (detention beyond 48 hours) followed with 1358 complaints (26.86%) of the total complaints registered. Other complaints registered include;- the denial of child maintenance with 734 complaints (14.52%), the deprivation of the right property with 410 complaints (8.11%) and the deprivation of the right to life with 203 complaints(4.01%). Figure 1.4 illustrates the top five complaints registered by UHRC in the last five years.

Figure 1.4: Top five complaints registered since 2010

1.3.4 Categorisation of Complainants by gender in 2014

In 2014, the UHRC registered 941 complainants, whose complaints were registered as raising matters of human rights violations. This marked a 29.25% increase from the 728 registered in 2013. As was the case in 2013, the male complainants continued to lodge more complaints by 70.77% and females constituting 28.79% of the total number of complaints registered in 2014. On the whole, complaints reported by the males increased by 29.82% from the 513 registered in 2013, and those reported by females increased by 29.66% from the 209 reported in 2013.

Table 1.7: Categorisation of complainants in 2014

REGIONAL OFFICE	MALE	FEMALE	INSTITUTIONS
Arua	125	52	
Central	38	18	1
Fort Portal	24	21	
Gulu	113	31	1
Hoima	73	05	
Jinja	46	15	
Masaka	69	47	
Mbarara	34	22	2
Moroto	57	44	
Soroti	87	16	
TOTAL	**666**	**271**	**04**

1.4 RESPONDENTS IN COMPLAINTS REGISTERED IN 2014

Most of the complaints registered in 2014 were against the UPF with a total of 572 complaints, marking a 34.90% increase from the 424 complaints registered against this institution in 2013. Most of these complaints concerned the violation of the right to personal liberty (detention beyond 48 hours). The UPF was followed by private individuals who had a total of 198 complaints, which also increased by 21.47% from the 163 complaints registered in 2013. Most of the complaints against individuals were about the denial of child maintenance. Complaints registered against the UPDF were 112, marking a 103.63% increase from the 55 complaints registered in 2013, most of which were on torture, cruel, inhuman or degrading treatment in Karamoja sub-region.

The UPS had 36 complaints maintaining the same number of complaints registered against this institution in 2013. Complaints against local Government were 32, marking a 14.28% increase from the 28 registered in 2013. Complaints against the Uganda Wildlife Authority were 21 while those against education institutions were 19, doubling the 07 complaints registered in 2013. Most of the complaints registered against education institutions were on alleged violation of the right to education, discrimination, unlawful termination from work and denial of remuneration. Table 1.8 below presents a summary of the number of complaints registered against specific respondents by the regional offices.[5]

Tables 1.9 to 1.24 show complaints received against specific respondents.

[5] The number of alleged violations may be higher than the number of complaints registered against specific respondents because one complaint can involve more than one alleged human rights violations.

Table 1.8: Categorisation of respondents per regional office

RESPONDENT	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	GRAND TOTAL
Uganda Police Force	132	31	25	88	82	31	53	24	17	89	**572**
Uganda Peoples' Defence Forces	07	09	07	16	00	02	-	-	64	07	**112**
Uganda Prisons Service	00	03	02	01	10	02	09	05	-	04	**36**
Individuals	39	13	19	07	02	07	46	43	12	10	**198**
Private business companies	-	-	-	-	-	13	03	01	-	-	**17**
Remand homes	-	-	-	01	-	-	-		-	-	**01**
National Medical Stores	-	01	-	-	-	-	-	-	-	-	**01**
Local Government	04	01	01	08	05	03	08	-	-	02	**32**
Ministry of Public Service	-	01	-	-	-	-	-		-	-	**01**
Directorate of Public Prosecutions	-	-	-	-	-	-	02	-	-	-	**02**
Educational institutions	02	-	-	02	01	-	10	02	-	02	**19**
Clan leaders	-	-	-	02	-	-	-	-	-	-	**02**
Uganda Revenue Authority			01			01					**02**
Uganda Wildlife Authority	01	-	-	-	-	-	-	-	17	03	**21**
Kampala Capital City Authority	-	01	-	-	-	-	-	-	-	-	**01**
National Social Security Fund	-	-	-	-	-	01	-	-	-	-	**01**
Private Security companies	-	-	-	-	-	-	01	-	-	01	**02**
National Forest Authority	-	-	01	-	-	-	-	-	-	-	**01**
Royal guards(security guards of cultural leaders)	-	-	01	-	-	-	-	-	-	-	**01**
Internal Security Organisation	-	-	06	-	-	-	-	-	-	-	**06**
TOTAL	**185**	**60**	**63**	**125**	**100**	**60**	**132**	**75**	**110**	**118**	**1028**

Table 1.9: Complaints against the Uganda Police Force

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Detention beyond 48 hours	348
Freedom from torture	170
Cruel, inhuman and degrading treatment	32
Deprivation of property	27
Deprivation of life	21
Violation of the right to health	04
Delayed investigations by Police	06
Denial of remuneration	00
Denial of access to justice	01
Unlawful detention	00
Violation of the right to a Fair and speedy trial	04
TOTAL	**613**

Table 1.10: Complaints against Private Individuals

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Denial of maintenance	129
Cruel, inhuman or degrading treatment	06
Torture	22
Deprivation of property	13
Deprivation of life	01
Violation of right to health	01
Denial of remuneration	02
Unlawful detention	08
Denial of pension	01
Denial education	37
TOTAL	**220**

Table 1.11: Complaints against the Uganda Peoples' Defence Forces

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Detention beyond 48 hours	33
Torture	74
Deprivation of property	10
Deprivation of life	14
Denial of child maintenance	01
Denial of pension	01
TOTAL	**133**

Table 1.12: Complaints against the Uganda Prisons Services

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Torture	14
Cruel, inhuman and degrading treatment	12
Deprivation of property	05
Deprivation of life	02
Violation of the right to health	02
Unlawful detention	03
TOTAL	**38**

Table 1.13: Complaints against the Local Government

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Torture	03
Cruel, inhuman or degrading treatment	04
Deprivation of property	10
Violation of the right to health	06
Denial of remuneration	02
Unlawful detention	01
Unlawful dismissal from work	01
Discrimination	01
TOTAL	**28**

Table 1.14: Complaints against a remand home

ALLEGED VIOLATION	COMPLAINT RECEIVED
Torture	01
TOTAL	**01**

Table 1.15: Complaints against educational institutions

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Torture	01
Cruel, inhuman or degrading treatment	04
Discrimination	01
Denial of Remuneration	08
Denial of basic education	01
Unlawful dismissal from work	02
Violation of the right to a fair and speedy trial	02
TOTAL	**19**

Table 1.16: Complaints against private security companies

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Torture	01
Cruel, inhuman or degrading treatment	03
TOTAL	**04**

Table 1.17: Complaints against private business companies

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Denial of compensation	01
Denial of remuneration	11
TOTAL	**12**

Table 1.18: Complaints against the Uganda Wildlife Authority

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Deprivation of life	01
Torture	08
Deprivation of property	11
Detention beyond 48 hours	02
TOTAL	**22**

Table 1.19: Complaints against the Directorate of Public Prosecutions

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Violation of the right to fair hearing	01
Deprivation of property	01
TOTAL	**02**

Table 1.20: Complaints against the Kampala Capital City Authority

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Cruel, inhuman or degrading treatment	01
TOTAL	**01**

Table 1.21: Complaints against the National Medical Stores

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Discrimination	01
TOTAL	**01**

Table 1.22: Complaints against the National Social Security Fund

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Denial of social security benefits	01
TOTAL	**01**

Table 1.23: Complaint against the Ministry of Public Service

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Denial of pension	01
TOTAL	**01**

Table 1.24: Complaints against clan leaders

ALLEGED VIOLATION	COMPLAINTS REGISTERED
Torture	01
Deprivation of life	01
TOTAL	**02**

1.4.2 Analysis of the top five respondents since 2010 to 2014

The top five respondents for the years 2010 to 2014 include the UPF, private individuals, UPDF, UPS and local Governments. For the period 2010 to 2014, the UHRC noted that the UPF had the highest number of complaints registered against it with 2,169, while a total number of 1,070 complaints were registered against private individuals. In the last five years, complaints registered against UPDF were 492, those against UPS were 177 and complaints against Local Government were 183.

Table 1.25: Top five respondents in the past five years

RESPONDENTS	YEAR					TOTAL
	2010	2011	2012	2013	2014	
Uganda Police Force	358	428	346	424	613	2169
Individuals	231	272	190	163	214	1070
Uganda Peoples' Defence Forces	81	151	85	55	120	492
Uganda Prisons Services	30	40	34	36	37	177
Local Governments	40	61	22	28	32	183
Total	**740**	**952**	**677**	**706**	**1016**	**4091**

As indicated in table 1.25 above, a total of 2,169 (42.91%) were registered against the UPF, 1,070 (21.17%) complaints were registered against private individuals, 492(9.73%) were against the UPDF, and 177 (3.50%) were against UPS. Local Government had 183(3.62%) complaints registered against them.

Figure 1.5: Top five respondents in the past five years

1.5 ADVICE OFFERED AND/OR REFERRED TO OTHER INSTITUTIONS

In 2014, the UHRC offered advice and /or referred 3,009 complaints, marking a 39.37%% increase from the 2,159 complaints referred in 2013. The complainants were referred to other institutions, including ordinary courts of law, justice centres, the Family and Child Protection Unit of the police, UPDF, the Professional Standards Unit (PSU) of police, legal aid service providers, the Probation Office of the Ministry of Gender, Labour and Social Development, clan leaders and other partner institutions for redress. This was done to ensure that every complainant received redress even in matters where the UHRC lacked jurisdiction. The matters which the UHRC could not handle were therefore referred to other institutions which were best placed to handle such matters reported. The existence of other referral institutions that handle human rights related matters therefore presents an opportunity for UHRC to only handle human rights matters, prevent a build-up of backlog, to avoid duplicity of work and to curb forum shopping where one may lodge the same complaint in more than one institution.

1n 2014, land disputes topped the list of referred cases with 479 complaints, marking a 30.16% increase from the 368 land disputes referred in 2013. These were followed by 276 complaints on deprivation of property which increased from the 96 complaints received in 2013. Complaints referred on non-payment of remuneration were 252, marking a 37.70% increase from 183 in 2013. Referred complaints on assault increased from 14 in 2013 to 211 in 2014, while complaints on the denial of child maintenance increased from 54 in 2013 to 202 in 2014. In addition, complaints referred on the right to a fair and speedy trial increased from the 34 in 2013 to 150 in 2014. Table 1.26 below illustrates the number of complaints referred or complainants advised per regional offices, while Table 1.27 indicates the nature of complaints.

Table 1.26: Number of complaints in which advice wasoffered and/or referred to other institutions in 2014

REGIONAL OFFICE	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Arua	04	02	03	03	09	17	12	06	10	22	23	22	**133**
Central	11	13	11	26	26	16	16	29	26	19	17	41	**251**
Gulu	20	27	15	16	18	29	24	30	28	20	22	39	**288**
Fort Portal	24	24	19	23	27	19	28	24	55	46	31	21	**341**
Hoima	31	52	54	34	37	32	28	33	20	18	31	25	**395**
Jinja	22	23	21	22	36	25	19	30	17	16	37	12	**280**
Masaka	26	03	00	00	02	09	20	14	08	19	33	17	**151**
Mbarara	52	86	49	32	40	32	49	41	48	30	28	32	**519**
Moroto	00	00	03	06	03	73	56	78	18	21	15	15	**288**
Soroti	30	28	46	29	33	23	35	31	36	25	26	21	**363**
TOTAL	**220**	**258**	**221**	**191**	**231**	**275**	**287**	**316**	**266**	**236**	**263**	**245**	**3009**

Table 1.27: Nature of complaints in which advice wasoffered and/or referred to other institutions in 2014

NATURE OF VIOLATION	ARUA	CTR	GLU	FPT	SRT	MBR	HMA	MRT	JJA	MSK	GRAND TOTAL
Denial of access to information	-	-	-	-	-	-	-	02	-	-	02
Denial of access to medical treatment	-	03	04	-	01	02	02	08	03	-	23

NATURE OF VIOLATION	ARUA	CTR	GLU	FPT	SRT	MBR	HMA	MRT	JJA	MSK	GRAND TOTAL
Arson	03	-	02	02		04		04	-	-	15
Assault	12	27	19	28	31	44	32	-	10	08	211
Breach of Contracts	02	-	11	16	02	-	15	05	09	-	60
Dispute on child custody	05	06	07	17	11	17	01	03	20	03	90
Denial of compensation	02	07	04	02	01	07	18	03	08	-	52
Dispute over contractual matters	-	09	-	05	-	21	01	01	-	01	38
Corruption	-	-	-	12-	-	-	-	01	-	02	15
Criminal trespass	-	-	04	03	05	03	01	-	-	-	16
Defilement	-	03	07	08	04	04	-	04	04	05	39
Delayed investigations by Police	08	-	-	01	01	-	-	-	-	-	10
Discrimination	-	01	-	-	01	-	-	-	01	-	03
Domestic violence	01	02	06	05	04	26	-	13	03	-	60
Denial of Education	04	03	05	10	10	02	01		03	03	41
Denial of a fair and speedy hearing	22	15	13	04	11	08	34	14	17	12	150
Family disputes	-	02	03	12	11	44	10	03	10	06	101
Fraud	02	01	01	01	02	03	04	01	01	-	16
Land disputes	06	26	56	85	89	59	82	10	33	33	479
Legal aid services/ court procedures	01	04	07	07	45	08	65	02	29	06	174
Life/murder	01	04	02	07	-	06	01	17	02	02	42
Denial of maintenance	04	13	33	18	43	33	20	19	12	07	202
Malicious prosecution	-	04	03	04	-	-	-	-	10	05	26
Mob justice	01	-	01	03	-	-	-	-	01	-	06
Non-payment of pension	02	01	06	00	01	-	06	01	08	01	26
Violation of personal liberty	05	33	11	-	14	08	02	08	07	20	108
Deprivation of Property	20	24	13	09	21	47	33	81	20	08	276
Rape	-	02	-	01	-	08	-	-	01	02	14
Denial of remuneration	16	20	19	40	29	36	41	14	15	22	252
Succession matters	-	03	01	05	06	37	-	02	12	03	69
Theft	-	05	04	19	02	16	09	-	04	08	67
Threatening violence	03	03	20	16	10	22	15	05	11	02	107

NATURE OF VIOLATION	ARUA	CTR	GLU	FPT	SRT	MBR	HMA	MRT	JJA	MSK	GRAND TOTAL
Torture, cruel, inhuman and degrading treatment or punishment	08	17	04	-	-	-	01	58	02	-	90
Un lawful dismissal from work	04	08	07	01	-	17	-	-	14	02	53
Unfair administrative decisions	01	02	02	06	06	31	03	10	06	-	67
Denial of bail	01	-	-	03	-	-	-	-	-	-	04
Exploitation	-	01	00	-	-	-	-	-	-	-	01
Child kidnap/ trafficking	-	01	-	01	-	03	-	-	01	01	07
Denial of access to justice	-	01	02	-	-	-	-	-	-	-	03
Cruel treatment	-	11	-	08	01	01	-	-	02	01	24
Sexual abuse	-	-	-	-	01	-	-	-	-		01
Violation of the right to a clean and healthy environment	-			-		-	-	-	-	01	01
Negligence by shooting	-	01	-	02	01	-	-	-	01	-	05
Denial of police bond	-	-	-	02	-	02	-	-	-		04
Poaching	-	-	-	01	-	-	-	-	-	-	01
Defamation	-	02	01	02	-	-	-	-	01	-	06
Access to reparations	-	-	01	-	-	-	-	-	-	-	01
Abductions	-	-	05	-	-	-	-	01	-	-	06
Malicious damage			02	05							07
Sitting allowance and Financial assistance			02								02
Witchcraft	-	-	-	01		-	-	-	-	-	01
Unlawful evictions				01							01
Sadomy				01							01
Abortions				01							01
Idle and disorderly				03							03
Missing persons				02							02
Accidents				02							02
TOTAL	**134**	**265**	**288**	**382**	**364**	**519**	**397**	**290**	**281**	**164**	**3084**

1.6 INVESTIGATIONS CARRIED OUT IN 2014

In 2014, the UHRC investigated a total number of 1,884 complaints. Out of these 812 complaints were investigated to completion, while 1,072 complaints were partially investigated. For matters where investigations were concluded, some were forwarded to the UHRC Tribunal for hearing, some were referred to other institutions for appropriate handling, while others were closed for various reasons including lack of merit, insufficient evidence to sustain the allegations, false allegations and lack of jurisdiction. Table 1.28 presents the number of complaints investigated per regional office.

Table 1.28: Complaints investigated in 2014

REGIONAL OFFICE	BACKLOG (2013 BACKWARDS)		FRESH COMPLAINTS RECEIVED IN 2014		TOTAL
	Fully investigated	Partially investigated	Fully investigated	Partially investigated	
Arua	63	14	36	98	**211**
Central	75	37	08	49	**169**
Gulu	79	122	20	97	**318**
Fort Portal	47	29	02	25	**103**
Hoima	13	04	18	65	**100**
Soroti	72	71	76	77	**296**
Mbarara	47	94	03	56	**200**
Moroto	69	125	01	10	**205**
Jinja	36	27	32	26	**121**
Masaka	42	04	73	42	**161**
TOTAL	**543**	**527**	**269**	**545**	**1884**

1.7 RESOLUTION OF COMPLAINTS

1.7.1 Mediations

UHRC uses mediation as one of the alternative dispute resolution mechanisms and as such, complaints received and registered at the UHRC are either subjected to investigations or mediation. Mediation is preferred in dispute resolution because parties are in position to find their own practical solutions to the dispute without being coerced. The process is also preferred because it is informal, cheaper, faster, non-adversarial, neutral with no decision making power, creates win-win solutions and allows long conflicting parties to hear each other out.

In 2014, UHRC mediated a total of 121 complaints, marking a reduction of 15.38% from the 143 complaints mediated in 2013. Complaints on the denial of child maintenance were the mediated with 100 complaints mediated in 2014. This however marked a 16.66% reduction from the 120 complaints mediated in 2013. Other complaints mediated included: the denial of education with 26 complaints mediated, marking an increase from the 09 mediated in 2013; the deprivation of property had six complaints mediated in 2014 which was an increase from the one complaint mediated in 2013; while torture had 2 complaints mediated; denial of remuneration had 18 complaints mediated (an increase by 80% from the 10 mediated in 2013); 1 complaint was mediated on the breach of contracts and 2 complaints were mediated on land disputes. In all matters mediated, the parties signed Memoranda of Understanding clearly indicating the terms agreed upon in the course of the mediation. The number and nature of complaints mediated in 2014 are indicated in Table 1.29.[6]

[6]The number and nature of complaints mediated in table 1.29 are more than the number of complaints registered for mediation in table 1.28 because one complaint considered for mediation can have more than one alleged human rights violation.

Table 1.29: Complaints resolved through mediation in 2014

Nature of violation	ARU	CTR	GULU	FPT	HMA	SRT	MBR	MRT	JJA	MSK	TOTAL
Denial of maintenance	08	09	04	16	01	05	08	13	04	32	**100**
Denial of education	08	-	-	-	-	04	-08	02	-	01	**23**
Deprivation of property	-	-	01	-	-	02	-	01	-	-	**04**
Violation of the right to health	-	-	-	-	-	-	-	-	-	-	
Torture	-	-	02	-	-	-	-	-	-	-	**02**
Domestic violence	-	-	01	-	-	-	-	-	-	-	**01**
Breach of contract	-	-	01	-	-	-	-	-	-	-	**01**
Land disputes	-	-	-	-	-	02	-	-	-	-	**02**
Denial of remuneration	-	-	-	-	-	-	1	-	08	06	**15**
Inhuman degrading treatment	-	-	-	-	-	-	1	-	-	-	**01**
TOTAL	**16**	**09**	**09**	**16**	**01**	**13**	**18**	**16**	**12**	**39**	**149**

1.7.2 Resolution of complaints through the Tribunal process

In 2014, the UHRC disposed of 206 complaints through the Tribunal process. This marked a 37.33% increase in the number of matters disposed of by the Tribunal from 150 in 2013. The increase in the number of cases disposed in 2014 was attributed to the backlog reduction sessions that were conducted at the Central regional office in August and September 2014 with financial support from the Justice Law and Order Sector (JLOS).

Of the 206 complaints disposed of in 2014, 138 were resolved in favour of the complainants with 120 matters decided with the Tribunal awarding a monetary compensation, while 18 matters were amicably settled between the parties. On the other hand, 68 matters were dismissed by the Tribunal for reasons including; want of prosecution[7], insufficient evidence to support the allegations, failure to disclose a cause of action or withdrawal of complaints by the complainants for loss of interest and lodging similar complaints in courts of law.

Currently, the caseload at the Tribunal is 512 complaints. Of these, 62 are yet to be heard, 289 are for further hearing, 80 are pending submissions from counsels and hence decision, while 81 are pending amicable settlement between the parties. It should however be noted that majority of complaints at the Tribunal are against the Attorney General and a number of cases are still pending submissions and amicable settlement by the Attorney General. A summary of the Tribunal caseload is indicated in the Table 1.31 below.

[7]The complainants, without reasonable cause, fail to appear before the Tribunal to state their claims

Table 1.30: Complaints resolved at the Tribunal in 2014

STATUS OF COMPLAINTS	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBA	MRT	SRT	TOTAL
Complaints awarded	07	27	06	20	-	03	24	20	01	12	**120**
Complaints amicably settled	-	08	-	04	-	04	-	01	01	**-**	**18**
Complaints dismissed or closed	-	40	04	01	-	02	06	06	06	03	**68**
TOTAL	**07**	**75**	**10**	**25**	**-**	**09**	**30**	**27**	**08**	**15**	**206**

Table 1.31: Status of complaints at the tribunal by December 31st 2014

CURRENT STATUS OF COMPLAINTS AT THE TRIBUNAL	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBA	MRT	SRT	TOTAL
Complaints pending hearing	02	20	04	07	-	06	11	06	-	06	**62**
Complaints part-heard	12	53	26	63	04	54	20	25	09	23	**289**
Complaints pending submissions/decision	04	21	05	20	-	4	5	03	13	05	**80**
Pending amicable settlement	-	16	05	25	-	15	-	08	04	08	**81**
TOTAL	**18**	**110**	**40**	**115**	**04**	**79**	**36**	**42**	**26**	**42**	**512**

Table 1.30 indicates the number of matters disposed of at the tribunal in 2014 which totalled 206, while table 1.31 indicates the matters that were pending resolution by the close of 2014 which were 512. Out of the 512 matters pending resolution by the tribunal, 62 complaints are yet to be heard, 289 are for further hearing, 80 are pending submissions from counsel and hence decision and 81 are pending amicable settlement by the parties.

1.7.3 Tribunal awards

The total amount awarded to victims of human rights violations in 2014 was UGX 1,167,980,000 (one billion, one hundred and sixty seven million, nine hundred and eighty thousand shillings) of which UGX 993,800,000 (nine hundred and ninety-three million, eight hundred thousand shillings) was awarded by the Tribunal and UGX 174,180,000 (one hundred and seventy four million, one hundred and eighty thousand shillings) was agreed upon by the parties through amicable settlement. The awards were mostly made in respect of the violation of the right to freedom from torture, the right to life and the right to personal liberty.

In 2014, the UHRC registered a 15.16% reduction in the amount of awards made to the victims of human rights violations, from UGX 1,376,830,500 in 2013 to UGX 1,167,980,000 in 2014. Table 1.32 below indicates complaints in which the Tribunal awarded compensation in 2014, while Table 1.33 shows complaints amicably settled between the parties. Table 1.34 shows complaints that were dismissed by the Tribunal and those that were withdrawn by the complainants, while Tables 1.35, 1.36 and 1.37 present the summaries.

Table 1.32: Matters awarded at the Tribunal in 2014

S/N	FILE NUMBER	PARTIES	VIOLATION / RIGHT IN ISSUE	AMOUNT AWARDED
		Arua Regional Office		
	ARU/19/2008	Draku Alfred & Others -and-Attorney General	Torture, property	UGX 13,000,000
	ARU/28/2009	Onen Yoko & Okecha Francis -and-Attorney General	Property	UGX 4,000,000
	ARU/27/2009	Ali Faruku–and- Attorney General	Liberty	UGX 11,200,000
	ARU/01/2008	Brahan Ismail –and-Attorney General	Life	UGX 10,000,000
	ARU/53/2011	Uwach-Giu Karlo–and- Attorney General	Torture	UGX 4,000,000
	ARU/07/2010	Othuma Ismail –and-Attorney General	Liberty	UGX 7,500,000
	ARU/42/2008	Yovan Anguzu–and-Attorney General	Life	UGX 15,000,000
	Subtotal			**64,700,000**
		Central Regional Office		
	UHRC/156/2006	Matovu Abdalla et'al–and-Attorney General	Liberty	UGX 24,000,000
	UHRC/542/2001	Odaga John, et al-and- Attorney General	Liberty	UGX 2,500,000
	UHRC/106/2008	Vianney Nguramatare –and-Attorney General	Liberty	UGX 2,500,000
	UHRC/144/2005	Deus Kalyesubula –and-Attorney General	Torture	UGX 6,000,000
	UHRC/157/2005	Annet Beroto –and-Attorney General	Torture	UGX 2,500,000
	UHRC/292/2004	Sekikubo Kato –and-Attorney General	Torture	UGX 14,500,000
	UHRC/499/2004	Fenehansi Arumadri–and-Attorney General	Torture, Liberty	UGX 13,000,000
	UHRC/20/2008	Kato Sulaiman-and-Attorney General	Torture, Liberty	UGX 4,000,000
	UHRC/130/2007	Haruna Byamukama-and-Attorney General	Torture	UGX 40,000,000
	UHRC/48/2008	Musoke Dan –and-Attorney General	Torture	UGX 1,500,000
	UHRC/100/2007	Kagambo John –and-National Forestry Authority	Torture	UGX 3,000,000
	UHRC/103/2004	Dr. Mary Mbabazi –and-Luwero District Local Government	Discrimination	UGX 20,000,000
	UHRC/120/2006	Wabuyere Willy –and- Attorney General	Liberty	UGX 1,500,000
	UHRC/570/2001	Nansubuga Jane - and-Attorney General	Torture	UGX8,000,000

S/N	FILE NUMBER	PARTIES	VIOLATION / RIGHT IN ISSUE	AMOUNT AWARDED
	UHRC/219/2003	Badru Kule–and-Attorney General	Torture, Liberty	UGX 4,000,000
	UHRC/151/2002	Nyebaze Fredson–and- Attorney General	Liberty	UGX4,000,000
	UHRC/23/2009	Waguti Richard –and- Attorney General	Torture	UGX3,000,000
	UHRC/180/2006	Mutabazi Henry –and-Lt KugonzaFrancis	Torture	UGX 2,000,000
	UHRC/253/2003	Fred Biryomumisho–and-Attorney General	Torture, Liberty	UGX 10,000,000
	UHRC/33/2008	Mayanja Joseph–and- Attorney General	Life	UGX 36,000,000
	UHRC/10/2009	Hakizimana Francis –and-Attorney General	Torture	UGX 2,000,000
	UHRC/229/2005	Muhamad Wanock–and-Attorney General	Liberty	UGX 5,000,000
	UHRC/393/2001	Kigulu Patrick–and-Attorney General	Torture	UGX 4,000,000
	UHRC/411/2001	Bukyanagandi Leopold –and-Attorney General	Liberty, Torture	UGX 23,000,000
	UHRC/198/2006	Katende Godfrey –and-Attorney General	Life	UGX 30,000,000
	UHRC/55/2004	Sentamu Stephen–and-Attorney General	Liberty, Torture	UGX 8,000,000
	UHRC/155/2004	John Semambo –and-Attorney General	Liberty	UGX 3,000,000
	Sub total			**277,000,000**

Fort Portal Regional Office

	FPT/45/2006	Twine Christopher –and-Attorney General	Torture	UGX 10,000,000
	FPT/32/2009	Nyakana George William –and-Attorney General	Life	UGX 29,000,000
	FPT/60/2011	Bagonza Adolf –and-Attorney General	Liberty	UGX 3,000,000
	FPT/19/2009	Mulingoki Sunday –and-Attorney General	Liberty	UGX 9,000,000
	FPT/13/2008	Kasaija Moses –and- Attorney General	Torture	UGX 7,000,000
	FPT/90/2008	Haruna Mugisha -and- Attorney General	Torture	UGX 3,000,000
	Subtotal			**61,000,000**

S/N	FILE NUMBER	PARTIES	VIOLATION / RIGHT IN ISSUE	AMOUNT AWARDED
		Gulu Regional Office		
	GLU/34/2007	Aluri James –and- Attorney General	Torture, Property	UGX 12,000,000
	GLU/91/2004	Kidega Patrick –and-Attorney General	Torture, Liberty	UGX 5,000,000
	GLU/123/2005	Obwoya Samuel and Attorney General	Torture	UGX 3,500,000
	GLU/103/2006	Oryema Alex –and-Attorney General	Torture	UGX 6,500,000
	GLU/142/2003	Ogwang Walter –and-Attorney General	Torture, Liberty	UGX 1,000,000
	GLU/104/2007	Wabedswa Denis –and- Attorney General	Liberty	UGX 5,500,000
	GLU/8/2004	Okema J. Patrick –and- Attorney General	Torture,Liberty	UGX 18,000,000
	GLU/161/2003	Oyaro Francis –and-Attorney General	Property	UGX 5,000,000
	GLU/17/2005	Obutu Vincent –and-Attorney General	Torture, Liberty	UGX 4,000,000
	GLU/260/2003	Ocaya Bosco Okwera–and- Attorney General	Torture	UGX 5,000,000
	GLU/56/2008	Komackech Martin –and- Attorney General	Torture	UGX 2,000,000
	GLU/128/2005	Kilama David and Attorney General	Torture	UGX 4,000,000
	GLU/82/2005	Olyel Francis &Another–and- Attorney General	Torture	UGX 8,000,000
	GLU/48/2008	Angom Rose & Another–and- Attorney General	Torture	UGX 8,000,000
	GLU/89/2006	Okello Patrick –and- Attorney General & Lt Chandia Alfred	Torture	UGX 5,000,000
	GLU/67/2006	Labeja Geoffrey –and- Attorney General	Torture	UGX 3,500,000
	GLU/351/2003	Langoya Kennedy –and- Attorney General	Torture	UGX 7,000,000
	GLU/81/2003	Otto Christopher Watson –and- Attorney General	Torture, Life	UGX 21,000,000
	GLU/111/2007	Opira Tadeo–and- Attorney General	Life	UGX 20,000,000
	GLU/13/2007	Omodo Ceaser –and- Odong Denis, Okello Francis	Torture	UGX 2,000,000
	Sub total			**146,000,000**

S/N	FILE NUMBER	PARTIES	VIOLATION / RIGHT IN ISSUE	AMOUNT AWARDED
		Jinja Regional Office		
	JJA/02/2007	Kisame Wilberforce-and-Attorney General	Torture, Liberty	UGX 3,000,000
	JJA/45/05	Mpango Abu –and- Attorney General	Torture, Liberty	UGX 2,000,000
	JJA/99/04	Mathias Okudo-and- Attorney General	Torture, Liberty	UGX 3,300,000
	Sub total			**8,300,000**
		Masaka Regional Office		
	MSK/18/2011	Kiwalyanga Godfrey-and-Attorney General	Torture	UGX 4,000,000
	MSK/05/2011	Nakimbugwe Pross –and-Attorney General	Health	UGX 4,000,000
	MSK/24/2011	Kamya Joseph-and-Attorney General	Torture, Liberty	UGX 7,000,000
	MSK/46/2012	Mujinya Moses-and-Attorney General	Torture, Liberty	UGX 5,500,000
	MSK/65/2011	Kiwalabye Bonny Kyaterekera –and- Attorney General	Torture	UGX 15,000,000
	MSK/44/2011	Katende Joseph-and-Attorney General	Torture, Liberty	UGX 4,000,000=
	MSK/29/2011 & MSK/30/2011	Kyange Dan & Mwasanje Eddie –and- Attorney General	Torture	UGX 20,000,000
	MSK/09/2011	Ssewanywa Steven-and-Attorney General	Liberty	UGX 4,000,000
	MSK/33/2011	Katerega Ahmed-and- Attorney General	Torture	UGX 8,000,000
	MSK/15/2012	Kiyemba Godfrey –and-Attorney General	Liberty	UGX 2,500,000
	MSK/07/2012	Ndagano Expedito–and-Attorney General	Liberty	UGX 3,500,000
	MSK/72/2009	Ssenkali Vicent–and-Attorney General	Torture	UGX 2,000,000
	MSK/13/2011	Katembo Jean Pierre –and-Attorney General	Torture, Liberty, Property	UGX 6,600,000
	MSK/31/2011	Joseph Ssentongo-and-Attorney General	Torture	UGX 18,000,000
	MSK/25/2011	Aligalssa–and- Attorney General	Torture	UGX 4,000,000
	MSK/75/2009	Kasumba Ali-and-Attorney General	Liberty	UGX 3,000,000
	MSK/40/2011	Sselwanja Disane –and-Attorney General	Torture Liberty	UGX 12,000,000
	MSK/27/2012	Ntengo Kawuki Ronald –and-Uganda Wildlife Authority	Torture	UGX 4,000,000
	MSK/60/2012	Munyenya Segawa–and-Attorney General	Liberty	UGX 3,000,000

S/N	FILE NUMBER	PARTIES	VIOLATION / RIGHT IN ISSUE	AMOUNT AWARDED
	MSK/47/2012	Kukunda Julian –and-Attorney General	Torture	UGX 4,000,000
	MSK/63/2012	Kawuki Abubakar-and- Attorney General	Torture	UGX 4,000,000
	MSK/41/2012	Muluya Henry (Sekujju Augustine) –and-Attorney General	Liberty	UGX 1,000,000
	MSK/7/2011	Nakazzi Nabillah (Kasagwa Umar) –and- Attorney General	Right to health	UGX 10,000,000
	MSK/13/2011	Kimera Isma (Nalinya Mary Gorreti) –and- Attorney General	Torture	UGX 3,500,000
	Sub total			**152,600,000**

Mbarara Regional Office

	MBR/74/2007	Tumusiime Ambrosio –and- Attorney General	Torture	UGX 12,000,000
	MBR/36/2007	Kato Tomson –and- Attorney General	Torture	UGX 3,000,000
	MBR/29/2009	Tiharihondi Henry –and- Attorney General	Liberty	UGX 3,500,000
	MBR/42/2007	Tukahirwa Vincent –and- Attorney General	Liberty	UGX 2,500,000
	MBR/02/2008	Kigongo Octovious –and- Attorney General	Torture	UGX 1,000,000
	MBR/22/2008	Byamukama Raymond & Akello Jane -and- Attorney General	Torture	UGX 10,000,000
	MBR/29/2008	Tumugabirwe Duncan –and- Attorney General	Torture	UGX 3,000,000
	MBR/39/2008	Bigirwa Joash–and- Attorney General	Torture	UGX 8,000,000
	MBR/60/2008	Kwesiga Paul –and- Attorney General	Torture	UGX 2,000,000
	MBR/53/2008	Kansiime John –and- Attorney General	Torture, Liberty	UGX 5,500,000
	MBR/045/2008	Mwebembezi James –and- Attorney General	Torture	UGX 2,000,000
	MBR/054/2005	Kyomukama Ronald –and- Attorney General	Torture	UGX 4,000,000
	MBR/023/2008	Tumuhairwe Miriam & Another –and- Attorney General	Life	UGX 30,000,000
	MBR/42/2009	Tindibakira Bernard –and- Attorney General	Liberty	UGX 3,000,000
	MBR/69/2010	Kashagure David –and- Attorney General	Torture, Liberty	UGX 5,500,000
	MBR/09/2007	John Partick Besingiza & Baguma Geoffrey –and-Attorney General	Torture	UGX 6,000,000

S/N	FILE NUMBER	PARTIES	VIOLATION / RIGHT IN ISSUE	AMOUNT AWARDED
	MBR/48/2008	Taremwa Jonan –and-Attorney General	Liberty	UGX 3,000,000
	MBR/012/2007	Mwanjuzi Ben –and-Attorney General	Torture	UGX 5,000,000
	MBR/38/2009	Ahimbisibwe Dovito –and-Attorney General	Torture, Liberty	UGX 6,500,000
	MBR/33/2008	Kweyamba Herbert –and-Attorney General	Torture	UGX 3,000,000
	Sub total			**118,500,000**
		Moroto Regional Office		
	MRT/15/2004	Okuda Clement –and-Attorney General	Torture, Liberty	UGX 13,000,000
	Sub total			**13,000,000**
		Soroti Regional Office		
	SRT/25/2008	Osire Abbas –and-Mbale Municipal Council	Torture	UGX 1,000,000
	SRT/35/2008	Onaba Joel –and-Attorney General	Life	UGX 33,000,000
	SRT/212/2007	Okurut David Silas (Enyimu Daniel) –and- Attorney General	Torture	UGX 15,000,000
	SRT/258/2005	Enyopu James (Ebenu Francis) –and- Arrow Boys - Amuria Barracks	Torture, Liberty	UGX 11,000,000
	SRT/18/2007	Eotu Tom Bosco, Elau Micheal & Olemo William (Emaju Charles) –and-Attorney General	Torture	UGX 15,000,000
	SRT/12/2007	Okwerede Radius & 5 Others –and- Attorney General	Torture, Liberty	UGX 28,500,000
	SRT/233/2005	Ekeju Jacob –and-Attorney General	Torture	UGX 3,000,000
	SRT/98/2006	Opolot Tito & 5 Others –and-Attorney General	Torture, Liberty	UGX 30,000,000
	SRT/185/2007	Nkalubo Hassan (Aisha Naiga) –and- Attorney General	Torture, Liberty	UGX 8,000,000
	SRT/54/2009	Swalik Bonna Musisi–and-Attorney General	Liberty	UGX 700,000
	SRT/46/2006	Ekolu Sam –and- Attorney General	Torture	UGX 5,000,000
	SRT/203/2005	Ojangole Joseph –and- Attorney General	Torture	UGX 2,500,000
	Sub total			**152,700,000**
	GRAND TOTAL			**993,800,000**

Table 1.33: Complaints amicably settled at the Tribunal in 2014

S/N	FILE NUMBER	PARTIES	VIOLATION	AMOUNT SETTLED
		Central Regional Office		
	UHRC/513/2004	Mubiru David -and- Attorney General	Torture	UGX 1,000,000
	UHRC/55/2006	Safi Elyetu-and- Attorney General	Liberty	UGX 16,000,000
	UHRC/19/2003	Grace Barihaihi & Another –and- Attorney General	Torture, Liberty Property	UGX 80,000,000
	UHRC/155/2007	Rashidah Ndagire–and-Kasawuli a.k.a Salongo Samona	Child maintenance	Parties reconciled
	UHRC/68/2012	Patrick Nsubuga–and- Attorney General	Liberty	UGX 3,000,000
	UHRC/162/2005	Mbira John –and- Imperial Group of Hotels	Discrimination	USD $ 3,500 (rate 2500 = UGX 8,750,000)
	UHRC/324/2003	Silas Mombwe –and- Attorney General	Torture, Liberty	UGX 5,000,000
	UHRC/19/2003	Grace Barihihi (Odoi Francis) –and- Attorney General	Torture, Liberty & Property	UGX 15,000,000
	Sub total			**128,750,000**
		Gulu Regional Office		
	GLU/003/2005	Aloyo Betty &Oketta Sunday –and- Attorney General	Torture, Liberty	UGX 4,500,000
	GLU/43/2005	Ocen .J Patrick –and- Attorney General	Torture	UGX 8,000,000
	GLU/14/2006	Okello Bosco–and- Attorney General	Liberty	UGX 8,000,000
	GLU/184/2007	Ojok Yuventino–and- Alito Sub County	Torture	UGX 4,000,000
	Sub total			**24,500,000**
		Jinja Regional Office		
	JJA/47/2009	Onyuthfua Elliot Alfred –and- Attorney General	Liberty	UGX 5,000,000
	JJA/92/2007	Kabogoza Lutaaya & Batwawula Ibrahim –and- Attorney General	Liberty	UGX 2,000,000
	JJA/141/2008	Mukiibi Gabriel –and- Attorney General	Liberty	UGX 2,000,000
	JJA/53/2007	Wawaleyi Amiisi–and- Attorney General	Liberty	UGX 930,000
	Subtotal			**9,930,000**
		Mbarara Regional Office		
	MBR/64/2006	Kabuga Simon –and- Uganda Wildlife Authority	Torture, Liberty	UGX 7,000,000
	MRT/46/2004	Otim Keseron-and-Attorney General	Torture	UGX 4,000,000
	Subtotal			**11,000,000**
	GRAND TOTAL			**174,180,000**

Table 1.34: Complaints dismissed/closed in 2014

S/N	FILE NUMBER	PARTIES	VIOLATION	TRIBUNAL DECISION
		Central Regional Office		
	UHRC/37/2007	Oguttu Moses –and-Attorney General	Torture	Dismissed for insufficient evidence
	UHRC/221/2003	Nabasa Adson (Ahimbise Apollo) –and-Attorney General	Torture	Dismissed for want of prosecution
	UHRC/191/2010	Anita Namujju –and-Njawuzi Silvest	Maintenance	Dismissed for want of prosecution
	UHRC/304/2002	Aniku Phillip –and-Attorney General	Liberty	Dismissed for want of prosecution
	UHRC/143/2007	Ssebuliba Godfrey –and-Attorney General	Torture	Dismissed for want of prosecution
	UHRC/162/2010	Athanasius Nsubuga –and-Attorney General	Torture	Dismissed, similar matter before a Court of law
	UHRC/52/2008	Nsereko Keffa –and- Attorney General	Torture	Dismissed for want of prosecution
	UHRC/247/2004	Edward Mwesige –and-Attorney General	Torture	Application to reinstate the matter dismissed due to lack of a justifiable reason
	UHRC/229/1998	Sirach Kisembo –and- Attorney General	Torture	Dismissed for insufficient evidence
	UHRC/183/2005	Robert Mugisha -and-Attorney General	Torture	Abated upon Complainant's death
	UHRC/154/2007	Kiharara Festus –and- Attorney General	Torture, Liberty & Property	Dismissed for want of prosecution
	UHRC/137/2007	Abdallah Serwanga& Another-and- Attorney General	Liberty	Dismissed for insufficient evidence.
	UHRC/151/2007	Ochan Geoffrey –and-Attorney General	Liberty, Property	Complainant advised to explore internal mechanisms of UPF
	UHRC/65/2007	Kibaale Nicholas –and-Attorney General	Torture, Liberty	Dismissed for want of prosecution
	UHRC/194/2011	Emmanuel Ndugwa–and-Attorney General	Torture	Dismissed for want of prosecution
	UHRC/18/2008	Mwanje Shafiq–and-Sikia Telecom Uganda limited	Discrimination	Dismissed for want of prosecution
	UHRC/104/2007	Matsiko Sam Mwirima–and-Attorney General	Torture, Property	Dismissed for want of prosecution
	UHRC/41/2007	Kyarisima Grace (Rwista Steven) –and-Attorney General	Liberty	Dismissed for insufficient evidence
	UHRC/76/2012	Isma Kibarama–and-Attorney General	Torture	Dismissed for want of prosecution
	UHRC/9/2008	Muhwezi Moses –and-Attorney General	Torture	Dismissed for want of prosecution

S/N	FILE NUMBER	PARTIES	VIOLATION	TRIBUNAL DECISION
	UHRC/138/2009	Ekwaro Bernard –and- Attorney General	Torture, Liberty	Dismissed for want of prosecution
	UHRC/82/2008	Kunja Umar –and-Attorney General	Liberty	Dismissed for want of prosecution
	UHRC/ MBR/119/2006	Kashangirwe Moses–and-Attorney General	Torture	Dismissed for want of prosecution
	UHRC/129/2010	Mulinde Robert –and- Attorney General	Liberty	Dismissed for want of prosecution
	UHRC/112/2010	Lt Emoit Sam-and- Attorney General	Life	Dismissed for lack of jurisdiction
	UHRC/173/2011	Hajji Abdul Karim Kinene–and-Attorney General	Torture, Liberty	Abated upon complainant's death
	UHRC/24/2008	Mubangizi Bosco–and-Attorney General	Torture	Dismissed for want of prosecution
	UHRC/66/2009	Kamulegeya Eriya–and-Attorney General	Torture, Property	Dismissed for lack of cause of action
	UHRC/234/2003	Moses LutuMukasa–and-Attorney General	Life	Dismissed for want of prosecution
	UHRC/189/2011	Nasichongi Geoffrey –and-Attorney General	Liberty	Dismissed for want of prosecution
	UHRC/32/2007	Kisitu Dan –and-Attorney General	Liberty	Dismissed for lack of merit
	UHRC/52/2011	Jamil Kafeero-and-Attorney General	Liberty	Dismissed for want of prosecution
	UHRC/321/2004	Abdu Kiggundu -and- Attorney General	Torture, Liberty	Dismissed for insufficient evidence
	UHRC/75/2004	Gobba George (Walter Gobba) –and- Attorney General	Torture, Liberty	Application for reinstatement dismissed for lack of merit.
	UHRC/161/2004	Byamukama Hakim –and-Attorney General	Torture	Dismissed for insufficient evidence.
	UHRC/151/2010	Owachgiu Benjamin –and-Attorney General	Liberty, Property	Dismissed for want of prosecution.
	UHRC/10/2010	Rukutwa Ezra –and- Mujuni Nicholas	Maintenance	Withdrawn by complainant for loss of interest in the case
	UHRC/49/2012	Mutungi David –and- Attorney General	Torture	Withdrawn by Complainant for loss interest in the case
	UHRC/27/2012	Francis Mugisha–and- Attorney General	Torture	Withdrawn as the Complainant had lodged a similar case in Court
	UHRC/194/2009	Bwayo Martin –and- Attorney General	Torture Liberty	Withdrawn by Complainant for loss of interest in the case

S/N	FILE NUMBER	PARTIES	VIOLATION	TRIBUNAL DECISION
		Fort Portal Regional Office		
	FPT/43/2008	Rugumayo Moses –and- Fort Portal Municipal Council	Torture	Complaint withdrawn by consent of the parties
	FPT/15/2009	Sabiiti Ronald –and- Attorney General	Torture	Dismissed for insufficient evidence
	FPT/51/2007	Mukwenda Misairi–and-Attorney General	Life	Dismissed for want of prosecution
	FPT/96/2008	Kyasiimire Jimmy –and-Attorney General	Life	Dismissed for want of prosecution
		Gulu Regional Office		
	GLU/24/2001	Olet Charles & Anor–and-Ngai Sub-county Council	Torture	Dismissed insufficient evidence
		Jinja Regional Office		
	JJA/11/2006	Nyende David –and- Attorney General	Property	Dismissed for want of prosecution
	JJA/75/09	Kanuna Dan –and- Attorney General	Torture, Liberty	Dismissed for failure to establish locus
		Masaka Regional Office		
	MSK/73/2011	Achoda Jane –and-Rakai Health Centre	Right to health	Withdrawn by complainant
	MSK/01/2012	Namutebi Pross –and-LuleGilvasio	Maintenance	Dismissed for it had been handled by court
	MSK/29/2011	Nalukwago Cissy –and-Miiro Vumbakalu	Maintenance	Dismissed as it was handled before court
	MSK/78/2012	Kachama John –and-Attorney General	Liberty	Dismissed for want of prosecution
	MSK/58/2012	Ssempijja Stephen(Manzi Gordon) –and-Attorney General	Liberty	Dismissed for want of prosecution
	MSK/32/2011	Kasibante Nuldine–and-Attorney General	Torture	Dismissed for lack of sufficient evidence
		Mbarara Regional Office		
	MBR/46/2009	Byamukama Ivan-and-Attorney General	Torture	Dismissed for want of prosecution
	MBR/28/2009	RugirakyaniMuhereza-and-Attorney General	Torture	Complaint withdrawn by complainant
	MBR/34/2006	Estate of Birigigi Bashir –and-Attorney General	Torture	Dismissed for want of prosecution
	MBR/035/2008	Bigirwa Rogers –and- Attorney General	Torture	Dismissed for insufficient evidence
	MBR/18/2008	Kyomugisha Peace –and-Mwesigwa Aggrey	Maintenance	Dismissed for want of prosecution
	MBR/48/2010	Baijuka Apollo –and- Attorney General	Torture	Abated upon death of the complainant

S/N	FILE NUMBER	PARTIES	VIOLATION	TRIBUNAL DECISION
		Moroto Regional Office		
	MRT/58/2006	Lodweny Anthony –and- Attorney General	Torture	Dismissed for want of prosecution
	MRT/55/2008	Muhwezi Josephat–and- Attorney General	Torture	Dismissed for want of prosecution
	MRT/27/2010	Namugga Jesca–and-Attorney General	Torture	Dismissed for want of prosecution
	MRT/49/2009	John OmokodoIdina And Attorney General	Torture	Dismissed for insufficient evidence
	MRT/50/2014	Kazibwe Moses and Attorney General	Torture	Dismissed for want of prosecution
	MRT/44/2009	Adupa Samuel and Attorney General	Torture	Dismissed for want of prosecution
		Soroti Regional Office		
	SRT/138/2007	Olupot Nakalet (Emoit Lawrence) –and- Attorney General	Life	Dismissed for want of prosecution
	SRT/412/2010	Elungat Samson –and- Attorney General	Torture	Dismissed for lack of merit
	SRT/137/2006	Naimali Robina –and-Attorney General	Life	Dismissed for want of prosecution

Table 1.35: Nature of complaints disposed of by the Tribunal

NATURE OF VIOLATION	ARU	CTR	FPT	GLU	JJA	MSK	MBA	MRT	SRT	TOTAL
Torture	2	46	5	21	4	17	22	7	11	**135**
Liberty	2	35	4	7	8	13	8	1	5	**83**
life	2	4	1	2	-	-	1	-	3	**13**
Property	2	7	-	2	1	1	-	-	-	**13**
Child maintenance	-	3	-	-	-	2	1	-	-	**6**
Health	-	-	-	-	-	3	-	-	-	**3**
Discrimination	-	2	-	-	-	-	-	-	-	**2**

Table 1.35 above indicates the category of complaints disposed of by the tribunal in 2014. On the whole, complaints on torture were the highest with 135 matters heard by the tribunal; this was followed by the violation of the right to personal liberty at 83 and violation of the right to life at 13 matters. It should however be noted that the number of violations in this table is more than the 206 complaints decided and indicated in tables 1.30, 1.31, 1.32, 1.33 and 1.34 above, because some complaint files contained more than one violation.

Table 1.36: Summary of the category of Respondents in matters disposed of at the tribunal

This table explains the fact that most of the complaints that the tribunal disposed of were against the Attorney General in his representative capacity. The second and third respondents were Private individuals and local Governments respectively.

RESPONDENT	NUMBER OF COMPLAINTS	PERCENTAGE
Government departments and agencies represented by the Attorney General	189	91.75
Private individuals	07	3.40
Local Government	04	1.94
Private institutions and companies	03	1.46
Uganda Wildlife Authority	02	0.97
National Forestry Authority	01	0.48%
TOTALS	**206**	**100%**

Table 1.37: Tribunal Awards per violation in the year 2014

Tables 1.37 and 1.38 indicate a summary of awards made in respect of the human rights violations heard at the tribunal. Table 1.37 shows that the highest tribunal awards were in respect of compensation for the violation of the right to freedom from torture and ill-treatment. This was followed by compensation in respect of the rights to personal liberty, right to life and property.

Table 1.37: Summary of the Tribunal Awards per violation in the year 2014

VIOLATION / RIGHT IN ISSUE	AMOUNT OF AWARD
Torture	352,000,000
Torture and Liberty	234,800,000
Life	203,000,000
Liberty	108,400,000
Torture and Property	25,000,000
Torture and Life	21,000,000
Discrimination	20,000,000
Health	14,000,000
Property	9,000,000
Torture, Liberty and Property	6,600,000
TOTAL	**993,800,000**

Table 1.38: Summary Tribunal Awards by consent of parties per violation

VIOLATION / RIGHT IN ISSUE	AMOUNT OF AWARD
Torture, Liberty and Property	95,000,000
Liberty	36,930,000
Torture	17,000,000
Torture and Liberty	16,500,000
Discrimination	8,750,000
TOTAL	**174,180,000**

1.8 CHALLENGES FACED BY THE UHRC IN THE COMPLAINTS HANDLING PROCESS

1) The absence of a witness protection law makes witnesses reluctant to have their statements recorded or to testify before the UHRC Tribunal, fearing reprisals from respondents.

2) Locating victims and witnesses is a challenge due to lack of physical addresses, change of location without return addresses and use of different names.

3) Inadequate cooperation from respondents continues to affect timely resolution of complaints.

4) Insufficient medical reports to support complaints of torture.

5) Inadequate resources, both human and financial, to facilitate timely resolution of complaints.

6) Reluctance of some respondents and complainants to appreciate alternative dispute resolution (ADR) mechanisms and settle their matters amicably, often lead to the lengthy litigation process of full hearings.

1.9 RECOMMENDATIONS

1. Uganda Police Force should invest in training and re-training of law enforcement agents to equip them with modern investigation skills, in a bid to avoid use of torture in obtaining information.

2. Uganda Police Force and the Directorate of Public Prosecutions should be equipped with the necessary facilities to enable them to fulfil their constitutional obligation to produce suspects before courts of law within 48 hours and to efficiently perform their duties.

3. Ministry of Justice and Constitutional Affairs should handle matters proposed for amicable settlements in a timely manner and should ensure that the victims of human rights violations are promptly compensated.

4. Government through the Parliament and MInistry of Foreign Affairs should ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional preventive mechanisms in the prevention of torture and ill treatment.

5. State agencies and institutions indicated as respondents should cooperate with UHRC to enable it effectively implement its mandate and fight impunity in the country.

6. Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development and Ministry of Local Government should strengthen the institutions dealing with child-related issues such as the Family and Child Protection Unit of Police, the Family and Children's Court, the Probations and Social Welfare office and local council courts.

1.10 CONCLUSION

The UHRC's complaints management process in an integral part of the UHRC's mandate and a critical point of interface with the general public. All the stages in the complaints management process are interdependent. The effective management of one stage translates into the effective management of the subsequent ones. It is therefore very important for all respondants listed above to work with the UHRC in ensuring that justice for victims of human rights violations and abuses is achieved.

Two suspects chained together inside a cell at Bubeke Police Post in Kalangala district

CHAPTER 2
ASSESSMENT OF CONDITIONS IN PLACES OF DETENTION

2 INTRODUCTION

The UHRC continued to assess conditions in places of detention to ensure humane and dignified treatment of detainees with the aim of enhancing observance of human rights. Through first-time and follow-up visits, UHRC was able to assess both the conditions in places of detention and the steps taken in implementing its previous recommendations. In 2014, UHRC inspected 180 prisons, 232 police stations, 681 police posts, 22 military detention facilities and seven remand homes to assess the Government's compliance with its national, regional and international human rights obligations.

2.1 LEGAL FRAMEWORK

The promotion and protection of human rights of persons deprived of their personal liberty has been provided for in international, regional and national human rights legal framework. This is highlighted below.

2.1.1 International legal framework

The international legal framework provides for humane and dignified treatment of detainees. Human rights and freedom of those detained in places of detention encompass rights that pertain to all human beings including freedom from discrimination on the basis of sex, disability, race or religion; and freedom from torture, cruel, in-human and degrading treatment.[8] In addition, specific protection for persons in places of detention is provided for, including: prohibition of arbitrary arrest; segregation of accused persons from convicted persons save in exceptional cases; separation of juveniles from adults; prohibition of imprisonment merely on the grounds of failure to fulfil a contractual debt; the detention of juveniles pending trial as a last resort; and the reformation of inmates as the goal of the prisons system.[9]

2.1.2 Regional legal framework

At the regional level, the legal framework provides for the inherent dignity of a human being, prohibits arbitrary arrest, detention and torture while providing for other rights including health, education and access to information.[10] In addition it provides for special treatment of children who are deprived of their personal liberty, including prohibition from torture, cruel inhuman and degrading treatment, separation of juveniles from adults and special treatment of expectant mothers.

2.1.3 National legal framework

At the national level, the Constitution of Uganda prohibits torture and provides for rights of persons detained including entitlement to legal representation, access to medical treatment and a next of kin among other rights.[11] Other legislation provide for rights such as not to be punished twice for the same offence, special protection of children including not being detained with adults or remanded in adult

[8] Article 9 of International Covenant on Civil and Political Rights, the Convention Against Torture, Beijing Rules, Rules for the Protection of Juveniles Deprived of their Personal Liberty, UN Minimum Standard Rules For Non- Custodial Measures, Principles on the Effective Investigations and Documentation of Torture, Code of Conduct of Law Enforcement Officers, Basic Principles on the Use of Force and Firearms.

[9] Convention Against Torture and the Prohibition and Prevention of Torture Act 2012.

[10] Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa, African Charter on Human and Peoples' Right s, Article 17 and Article 30 of the African Charter on the Rights and the Welfare of a Child, Articles 3 -4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa as well as General Comment No.1 of the African Committee of Experts on the Rights and Welfare of a Child.

[11] Article 23-24 of the 1995 Constitution.

prisons, removal of persons with mental disabilities from places of detention, prohibition of corporal punishment and abolition of hard labour.[12]

2.2 PLACES OF DETENTION INSPECTED IN 2014

In 2014, the places of detention inspected by UHRC increased by 5.8 % from 1,060 in 2013 to 1,122. The UHRC inspected 180 out of the 246 (73%) prisons in the country, 232 police stations out of 299 (78%), 681 police posts out of 1,811 (38%) and all the six remand homes.[13] Table 2.1 shows the number of places inspected by UHRC in 2014.

Table 2.1 Number of places of detention inspected by the UHRC in 2014

Regional Office	Prisons	Police Stations	Police Posts	Military detention facilities	Remand homes	Total
Arua	15	37	109	0	1	162
Central	39	29	49	1	2	120
Fort Portal	15	24	107	0	1	147
Gulu	17	24	65	1	1	108
Hoima	11	12	60	0	1	84
Jinja	23	30	75	0	0	128
Masaka	35	19	58	0	0	112
Mbarara	6	14	58	1	0	79
Moroto	3	14	43	18	0	78
Soroti	16	29	57	1	1	104
Total	**180**	**232**	**681**	**22**	**7**	**1122**

Table 2.2 and Figure 2.1 show the number of places of detention UHRC inspected over the last four years.

Table 2.2: Number of Places of detention inspected by the UHRC over the last four years

Year	Prisons	Police stations	Police posts	Military detention facilities	Remand homes
2014	180	232	681	22	7
2013	142	225	667	20	6
2012	156	181	520	33	4
2011	193	168	532	2	5

[12]Penal Code Act Cap 120, the Children Act Cap 59, the Uganda Peoples 'Defence Forces Act Cap 205, The Uganda Police Act Cap 303, The Uganda Police Act Cap 303; the Uganda Prisons Act (2006), The Trial on Indictment Act Cap 23 and the Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013.

[13]Kampiringisa Reception Centre was clustered under remand homes for purposes of assessing the condition of juvenilles.

Figure 2.1: Number of places of detention inspected by the UHRC over the last four years

2.3 KEY FINDINGS IN PLACES OF DETENTION INSPECTED

As was previously observed in 2013, UHRC noted continuous improvements in the conditions of places of detention. In spite of these improvements there were recurring challenges that are structural and administrative in nature such as inadequate accommodation and sanitation facilities. Other human rights concerns entailed security of persons due to long and arbitrary detention, security of vulnerable persons, including children incarcerated with adults and detention of inmates pending ministerial orders.[14]

2.3.1 Analysis of findings in places of detention

1) Human Rights Committees

Human Rights Committees in places of detention are intended to ensure accountability on observance of human rights. The activities undertaken by the Human Rights Committees included handling of complaints about food, water, beddings, health services, accommodation and torture by other inmates (Katikiros). The UHRC noted that this initiative that had initially been started by the UPS was now being adopted by the UPDF.

In 2014 the UPS increased the number of prisons with Human Rights Committees from 200 in 2013 to 230 in 246 places of detention.[15] Prisons with Human Rights Committees increased by 2.6% from 94 in 2013 to 124 in 2014. These included the Government prisons in Arua, Paidha (Nebbi District), Lobule (Adjumani District), Nakapiripirit, Kotido, Isimba (Masindi District), Kagadi, Kakumiro, Gulu, Dokolo, Kyazanga, Kibaale, Amita (Abim District); Soroti main prison and Kalangala prison.

[14]The analysis is based on the places of detention inspected by the UHRC in 2013 and 2014.

[15]V. Aioka, Assistant Commissioner, 'Uganda Prisons Services, Rights of Detainees, Prolonged Detention and Access to Justice Issues in Uganda Prisons Service in 2014' a presentation made at the UHRC 17th Annual Report Consultative meeting held at Speke Resort Munyonyo on 27th & 28th January 2015.

The UHRC, however, observed that prisons such as Kyankwanzi, Otuke, Nakatunya (Soroti) and Kamuge (Paliisa) Government prisons had not established Human Rights Committees. Figure 2.2 shows Human Rights Committees established in prisons inspected by the UHRC from 2011 to 2014.

Figure 2.2: Human Rights Committees established in prisons inspected by the UHRC from 2011 to 2014

Of the 22 military detention facilities UHRC inspected 13 (59%) had Human Rights Committees. These included 405 Brigade, Kotido Town detach, Nakapelimoru UPDF Barracks, Lokoembu 57 Battalion, Maru 57 and Losilang 51 Battalion in Kotido district.

2) Phasing out the use of the bucket system

Phasing out the use of the bucket system is essential in ensuring that persons detained live in dignity and in humane conditions.[16] The UHRC noted that the phasing out of the bucket system is at different stages in various detention facilities.

a) Complete Phasing out of the bucket system

The UHRC noted that 51 (28%) prisons had completely phased out the bucket system. Of the 913 police detention facilities inspected 22 (2.4%) had completely phased it out. This was a 0.5% reduction from 26 police detention facilities that had completely phased out the bucket system in 2013 to 22.

The prisons that had completely phased out the use of the bucket system included Iganga, Kibaale, Kitgum, Maiha (Masindi District), Nkozi (Mpigi District), Kitara (Wakiso District), Kagadi (Kibaale District) and Kyankwazi Government prisons as well as Kumi, Mugoye (Kalangala District), and Bukedea prisons. Police detention facilities that had phased out the use of the bucket system included Kasese, Fort Portal, Bundibugyo, Kanungu, Albetong, Bukedea, Buwama, Kalangala, Mukono and Kibaale Police Stations as well as Amuria and Mubende central police stations and Katanabirwa Police Post (Hoima District).

[16]The Bucket system is a method through which suspects and inmates dispose their human waste in open containers such as buckets while in detention.

The UHRC also noted that 13 (59%) of the military detention facilities inspected had completely phased out the use of the bucket system. These included 405 Brigade Nakapelimoru (Kotido District), Lookorok 51 LDU Battalion, Lokoembu 57 Battalion and Lopuyo and UPDF Detach.

b) Phasing out the use of the bucket system during the day

The UHRC noted that 105 (58%) of the inspected prisons had completely phased out the use of the bucket system during the day. These included Uganda Government Prison Kamuge; Kamwenge Kichehe (Kamwenge District), Mpigi, Rakai, Mutukula (Rakai District) and Moyo Prisons; and Kijjumba Prison Farm (Mubende District). In addition, 421 (46%) police detention facilities had phased out the use of the bucket system during the day. These included Pallisa, Budaka, Abim, Lamwo and Moyo central police stations; as well as Namalu (Nakapiripirit District), Butoolo (Wakiso District), Ngoma (Nakaseke District), Butebo (butebo District) and Bukasa police stations (Wakiso District); and Muhoro (Kyenjojo District), Ntooma (Masindi District) and, Paloga police posts (Agago District).

3) Construction and renovation of infrastructure

The UHRC observed that new facilities had been constructed and renovation of old infrastructure done. The UHRC noted a 17% decrease from 54 prisons that had been constructed or renovated in 2013 to 39 in 2014. These prisons included Nebbi and Giligili Government prisons in Arua District; as well as Moyo and Kakuuto prisons in Rakai District. In addition, waterborne toilets had been constructed at Kalungu Prison and a perimeter wall extended at Nakifuma Government Prison in Mukono District. A new ward was undergoing construction at Amita Prison Farm in Abim District while Isimba Government Prison in Masindi District had a newly constructed kitchen. At Uganda Prisons Bamunanika in Luweero District, a new ward for male inmates and waterborne toilets were under construction.

Construction of septic tank for water borne toilets at Ntenjeru Prison in Kayunga District

In addition, the UHRC noted an 8.7 % increase of police facilities that had been constructed or renovated from 20 in 2013 to 100 in 2014. These included Kaabong, Pader, Kibuku, Kyani and Mubende central police stations; Rwamwanja Police Station in Kamwenge District and Kanu Police Post in Abim District, where renovation of staff houses was ongoing. At Mukono Police Station were self-contained cells and renovated offices, while at Rwengobe Police Post in Kamwenge District, the United Nations High Commissioner for Refugees and Royal Springs Mineral Water Limited had constructed permanent offices and cells. At Bundibugyo Police Station the JLOS had constructed permanent cells.

Of the 22 military facilities inspected only the 405 Brigade in Kotido District had new infrastructure.

Newly constructed Abuk Police Post in Abim District

Newly constructed wards at Kapchorwa Prison

4) Access to Health Services

The UHRC observed that persons detained as well as staff of prisons and police had access to health facilities. In the prisons, inmates were able to access health services within or from nearby health centres. UHRC noted that inmates in the 154 (86%) prisons had access to health facilities within the prisons and nearby Health Centre IIs and IIIs within a five kilometre radius. UHRC further noted that 625 (68%) police facilities had access to health facilities. At Bigandao Police Post in Kasese District, for instance suspects and police officers received treatment from Ibuga Health Centre II (Kasese District) which is two kilometres away. Suspects at Kigumba Police Post (Masindi District) were taken to Kididima Health Centre II which is about one and a half kilometres away, while Rwimi Prison (Kabarole District) had health facilities within.

The UHRC also noted that nearly all inmates living with HIV/AIDS in the prisons inspected continued receiving anti-retroviral treatment (ARVs). There was a 51% increase of prisons that provided ARVS from 33 in 2013 to 133 in 2014. Table 2.3 below shows detention facilities that could provide ARVs to all inmates living with HIV/AIDS.

Table 2.3: Number of inmates living with HIV/AIDS in detention facilities

NAME OF DETENTION FACILITY	TOTAL PRISON POPULATION	NUMBER RECEIVING ARVS	NUMBER OF HIV+ INMATES
Butuntumula Government Prison	175	20	20
Kapeeka Government Prison	62	7	7
Makubiri Prison	53	2	2
Kumi Government Prison	64	03	03
Mutufu Government Prison	100	05	05
Bukwo Government Prison	24	01	01

NAME OF DETENTION FACILITY	TOTAL PRISON POPULATION	NUMBER RECEIVING ARVS	NUMBER OF HIV+ INMATES
Bukedea Prison	56	01	01
Mbale Male Prison	717	57	57
Soroti Main Prison	559	48	48
Amuria Government Prison	121	03	03
Katakwi Government Prison	146	01	01
Sembabule Prison	81	02	02
Lwemiyaga Prison	10	01	01
Butenga Prison	49	5	5
Matete Prison	13	1	1
Kakuuto Government Prison	33	02	02
Ntusi Government Prison	09	01	01
Ssembabule Government Prison	90	02	02
Kabula Government Prison	63	03	03
Kiseka Prison	36	02	02
Kalungu Prison	44	03	03
Ssaza Prison	126	04	04
Alebtong Government Prison	64	07	07
Moyo Government Prison	91	04	04
Olia Prison	49	02	02
Paidha Government Prison	218	07	07
Koboko Government Prison	148	12	10
Ibuga Prison	479	12	12
Nyabirongo Prison	42	1	1
Bwera (Rusese Prison)	74	3	3
Kyankwanzi Government Prison Out Post	44	4	4
Uganda Government Prison - Kamuge	114	05	05
Uganda Government Women Prison – Jinja	51	08	08
Uganda Government Prison – Bugembe	54	05	05
Kotido Government Prison	111	05	05
Amita Prison Farm Abim District	201	17	17

5) Inadequate food

The UHRC found that three meals were provided in 100 (56%) prisons including: Uganda Government Prison Bukedea; Fort Portal Male and Female prisons; Uganda Prison Kumi; Mbale Female Prison; Gulu, Kamuge (Pallisa District) and Patongo Government prisons as well as Amita (Abim District), Ndorwa (Kabale District), Mporwa (Kabale District), Ibuga (Kasese District), Lotuturu (Kitgum District), Kityerera (Mayuge District), Namalemba (Iganga District), Kotido and Buhweju prisons.

UHRC however still noted the inconsistent and inadequate supply of food from the headquarters to the prisons. In Ikuwe Government Prison inmates had one meal a day due to lack of food at the prison while in Matete Prison (Masaka District) inmates who went to work were given food in kind in addition to the UGX 100 each inmate is paid for their labour. Police detention facilities that did not provide food for suspects increased by 35.4 % from 343 in 2013 to 674 in 2014. UHRC's concern remained the inadequate access to food by inmates detained in police detention facilities.

Only 23 prisons provided for the needs of vulnerable persons such as expectant mothers, children and people living with HIV/AIDS. They included Isimba, Buliisa and Kumi Government prisons; Rwimi Prison Farm (Kabalore District), Kigo- Female Section (Wakiso District) and Ibuga prisons (Kasese District).

6) Access to water

UHRC observed that there was improved access to water that is crucial for the sanitation and health of suspects, inmates and warders. Inmates and suspects were able to access water from spring wells, boreholes and harvested rain water. In 2014, 112 (62%) prisons and 530 (58%) police facilities inmates had access to water. These included Busia, Malaba, Buhweju, Kashenshero (Mitooma District), Kyankwanzi, Mpigi and Wobulenzi police stations (Luweero District); Kumi, Lamwo and Soroti central police stations; as well as Asuret (Soroti District) and Palabek Ogil police posts (Kitgum District). The prisons with access to water were Lotuturu (Lamwo District), Tororo, Budaka, Sentema (Wakiso District) and Lwengo prisons; Kyankwanzi, Kagadi (Kibaale District) and Kumi Government Prisons; and Uganda Government Prisons of Mpigi and Mukujju (Tororo District).

There were instances however where water was not accessible; for instance at Kumi Government Prison where water was fetched from a well 7km away from the prision; and at Mukungwe Prison where water was fetched from about one and a half miles away. At Nakaloke Police Station (Mbale District) water was purchased at 500/= per jerrycan; while at Butungama (Ntoroko District), Rwangara (Ntoroko District), Kibuuku police posts in Ntoroko District water was accessed from a dirty pond.

7) Updated Registers

Maintenance of updated registers is one of the ways to ensure accountability within detention facilities. UHRC observed that there were efforts to maintain updated registers such as the admission register, punishment book register, complaints register, property register and complaints register. These registers are necessary for, among other things tracking the reason and period of detention, as well as general information about the places of detention.

Detention facilities that had properly maintained and updated registers increased by 25% from 593 recorded in 2013 to 910. In 2014, 144 (80%) prisons, 745 (82%) police detention facilities and 21 (65%) military detention facilities had updated registers. Below are examples of selected detention facilities that had updated registers.

Selected prisons, police and military detention facilities that had updated registers

Prisons
Soroti Main Prison, Soroti Female Prison; Nkozi, Buliisa, Kibaale and Arua Government prisons; the Uganda Government prisons at Buvuma, Amuria and Kamuge (Pallisa District); as well as Lukaya, Kitanda (Masaka District), Moyo, Kamwenge, Ikulwe and Kityerera (Mayuge District) and Butiti prisons.

Police detention facilities
Soroti, Amolatar, Kaberamido, Arua, Namutamba, Busia, Amudat and Nakapiripirit central police stations; Mpigi, Buwama (Mpigi district), Kalangala, Buliisa, Kyegegwa, Kiryandongo, Budaka, Moyo and Nabilatuk police stations (Nakapiripirit district); as well as Matiri (Kyenjojo District), Bukasa, Gweri (Kaberamaido District) and Tirinyi police posts (Kibuku District).

Military detention facilities
405 Brigade Nakapelimoru, Kotido Town Detach and Maru 57 Battalion in Kotido District.

8) Construction of cells for juveniles and female suspects/inmates

UHRC noted the ongoing construction of cells/wards for juveniles and females. In 2014, UHRC found seven prisons and one military detention facility had constructed wards for female suspects/inmates while 94 (10.3%) police detention facilities had constructed cells for juveniles. The facilities where cells for juveniles had been constructed included Nebbi, Kibuku, Tororo, Amudat, Katakwi, Amuria, Pader and Luwero central police stations; Masindi, Kibaale, Kumi, Namalu (Nakapiripirit District), Mbale, Semuto (Nakaseke District) and Masaka police stations.

Cells for female suspects had been constructed at Arua and Amuria Central Police Stations; and Kanungu, Kihihi (Kanungu District), Kumi and Mbale police stations. They were also found at Arua and Kiryandongo Government prisons, as well as Lukaya and Sembabule prisons.

9) Freedom of worship

In 2013, the UHRC noted that 140 out of 142 (99 %) prisons inspected respected prisoners' right to worship while in 2014, the number was 155 out of 180 (86 %). This was noted in Kumi, Bukedea, Nkozi, Hoima and Buliisa Government Prisons; Uganda Government prisons at Kapeeka and Buwama (Mpigi District); Mbale, Makurubita (Luwero District), Kalungu, Sembabule, Kigandalo Mayuge, Kityerera (Mayuge District), Kamwenge, Kanungu and Rukoki prisons (Kasese District). In military facilities, this right was respected in Maru 57 Batallion, Lookorok 51 LDU Battalion and Lokomebu in Kotido District.

10) Right to access information

The right to access information was respected in many prisons inspected in 2014. UHRC found 91(51%) prisons that ensured inmates accessed information, compared to 96 (68%) prisons it recorded in 2013. Inmates were allowed to access newspapers or own radio sets and bibles. This was noted in Soroti and Jinja Main Prisons; Nakasongola (Male Section), Buliisa, Kagadi, Yumbe, Nebbi, Patong and Kitgum Government prisons; Uganda Prison Butuntumula (Luwero District); and in Mbale, Bushenyi and Ndorwa prisons (Kabale District). Mubende Central Police Station and Bombo Police Station also respected the right of suspects to access information.

The UHRC however, noted that in prisons such as Mugoye Government Prison, Uganda Government Prison in Amuria, Uganda prisons in Katakwi and Kalangala, there were no measures put in place to allow inmates access information.

11) Detention of civil debtors

UHRC noted with concern the continued detention of civil debtors which is in violation of Government's obligation under Article 11 of the ICCPR that prohibits imprisonment merely on the grounds of failure to fulfil contractual obligations.[17]

The UPS reported that by December 2014 there were 276 civil debtors detained in prisons.[18] During inspections of places of detention in 2014, the UHRC found 57 civil debtors. These were in Kisoko and Mukujju (Tororo District), Iganga, Tororo, Wabusana (Luweero District), Kalangala, Kibaale, Hoima, and Bubulo prisons. Others were in Uganda Prison Mutufu (Tororo District); Bushenyi, Ndorwa (Kabale District), Arua, Maruzi (Apac District) and Moyo Government prisons; as well as Kwania Prison Farm (Apac District).

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[17] Section 4 and Section 24 of the Civil Procedures Act (Cap 71) allows for the arrest and detention of civil debtors.

[18] n 15 above.

12) Incarceration of children with adults

The continued detention of children with adults at police stations and in prisons remained an outstanding concern for UHRC. Incarceration of children with adults increases their vulnerability to violence and abuse that could have long lasting physical and psychological harm. In 2014 UHRC found 91 juveniles incarcerated with adults compared to 26 in 2013.

The UHRC observed that most of the juveniles detained were between the ages of 16 and 17 years and charged with offences of defilement, theft, murder and being idle and disorderly. Such cases of juveniles incarcerated with adults were found in Nakaseke, Gulu, Lira, Arua, Adjumani, Katakwi and Nakapiripirit central police stations; Kabale, Kiwoko, Kamwenge and Kagadi police stations as well as Fort Portal Main Station. In prisons, they were found in Nakasongola and Ndorwa Government prisons as well as Uganda Prisons Kumi. The UHRC found two juveniles, both 17 years old who were detained at Kyazanga Prison because they had failed to prove their age in court.

13) Prisoners awaiting ministers orders

The UHRC in its previous reports had noted with concern the continued detention of prisoners awaiting ministers orders and their increased vulnerability because of their mental capacity and the indefinite detention owing to the requirement for ministers orders to be made. Following a JLOS joint inspections in June 2014, UHRC sent a list of all inmates pending ministers orders to the Principal Judge in order for their cases to be handled expeditiously.

The UPS reported that 44 prisoners (39 male and five female) were pending ministers orders.[19] The UHRC found during inspections 16 prisoners detained in Jinja Remand Prison awaiting ministers orders. This indefinite detention violates the prisoners' rights to personal security.

14) Long and arbitrary detention

Long and arbitrary detention violates the right to security of a person detained because they are not able to appear before a court within a reasonable time. Detention can be both pre-trial and detention pending trial. In order to ensure security of persons during pre-trial detention, it is required that a person arrested or detained should be brought before court within 48 hours. In the case of detention of persons pending trial, court shall grant bail if the person has been remanded for 60 days for offences triable by the High Court and subordinate courts; and in the case of offences triable by only the High Court a person who has been remanded for 180 days is entitled to bail.[20]

a) Police detention facilities

The UHRC found that suspects could be detained for periods ranging from10 to 30 days in police custody for reasons such as delays by the Resident State Attorney to sanction files and on-going investigations. In addition, the UPF pointed out that prolonged detention could also be attributed to limited resources, corruption and lack of skills in investigations.[21] During inspections the UHRC intervened by either ordering the release of juveniles or ensuring that they were transferred to the Reception Centre. Following the inspections the UHRC also pointed out these findings during the District Coordinating Committees (These bring together all JLOS institutions in the district). Table 2.4 below shows documented cases of suspects arbitrarily detained in police detention facilities.

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[19] As above.

[20] n 11 above, Article 23 (4).

[21] D. Kyasiimire, Uganda Police Force, 'Achievements and Challenges Faced by the Uganda Police Force in addressing Rights of Detainees, Prolonged Detention Issues and Access to Justice in 2014' a presentation made at the UHRC 17th Annual Report Consultative meeting held at Speke Resort Munyonyo on 27th & 28th January 2015.

Table 2.4: Documented cases of suspects arbitrarily detained in police custody

NAME OF INMATE	NAME OF DETENTION FACILITY	CRIME SUSPECTED TO HAVE COMMITTED	DURATION IN DETENTION	REASON
Tweshimye Deus	Kanungu Police Station	Defilement	14 days	File with RSA
Ndebure	Kanungu Police Station	Assault	14 days	File with RSA
Rushoma	Kanungu Police Station	Murder	13 days	File with RSA
Byaruhanga	Kanungu Police Station	Murder	13 days	File with RSA
Kajubi Jasin	Masaka CPS	Murder	26days	File being handled by the region and investigations still incomplete
Ntalib Innocent	Masaka CPS	Murder	1 month and 2 weeks	Remanded at Naguru remand home but the District Probation Officer lacked transport
Bisaso Bonny	Masaka CPS	Assault	21 days	No sureties for police bond
Kamegere John Bosco	Kalungu Police station	Simple Robbery	14 days	Investigations still incomplete
Twijukye A	Mbirizi Police Station	Murder	7 days	Juvenile aged 15 years had been remanded at Naguru Remand Home but the Probation Officer had no means of transport to take him to Naguru Remand Home
Drazi Gerald Vuciri	Moyo CPS	Simple Robbery	16 days	File with RSA
Anyazo Natal	Adjumani CPS	Defilement	25days	File with RSA
Bajale Steven Kesho	Lewa Police Post, Adjumai CPS	Defilement	22 days	File with RSA
Nyuma Robert	Adjumani CPS	Defilement	24days	File with RSA
Oketa Charles	Adjumani CPS	Defilement	19 days	File with RSA
Odemba Bosco	Adjumani CPS	Child Trafficking	25 days	File with RSA
Amba Shiraj	Adjumani CPS	Theft	30 days	File with RSA
Edema Justine	Dzaipi Police Post, Adjumani CPS	Theft	15 days	File with RSA
Edaku Akbar	CPS Yumbe	Theft	38 days.	File with RSA
Ocan Isaiah	Pakwach Police Station and CPS Nebbi	Murder	2 weeks	File with RSA
Watimu Richard	Pakwach Police Station and CPS Nebbi	Rape	2 weeks	File with RSA
Awusa Patrick	Alangi Police Post and Pakwach Police Station	Threatening violence	2 weeks and 3 days	File with RSA

NAME OF INMATE	NAME OF DETENTION FACILITY	CRIME SUSPECTED TO HAVE COMMITTED	DURATION IN DETENTION	REASON
Ocoun Morris	Zeu Police Station and Paidha Police Station	Robbery	3 weeks	File with RSA
Komakech Fred	Panyimur Police Station and CPS Nebbi	Defilement	2 weeks and 2 days	File with RSA
Komakech Emmanuel	Pakwach Police Station and CPS Nebbi	Murder	2 weeks and 5 days	File with RSA
Oryema Ismail	CPS Nebbi	Illegal possession of fire arm.	2 weeks	File with RSA
Yoningom Juma	Zeu Police Station and Paidha Police Station	Theft	2 weeks and 4 days	File with RSA
Atimango Alice	CPS Nebbi	Idle & disorderly	9 days	File with RSA
Ojidi Francis	Padeya Police Post	Theft	1 week and 3 days	File with RSA
Omirambe Vincent	Panyimur Police Post	Defilement	1 week and 3 days	File with RSA
Onencan Charles	Pakwach Police Station	Theft	1 week and 5 days	File with RSA
Okumu Michael	Pakwach Police Station and CPS Nebbi	Defilement	1 week and 4 days	File with RSA
Rwothmiu Zenoni	Zeu Police Station and Paidha Police Station	Defilement	1 week and 3 days	File with RSA
0Asiku Stephen	CPS Arua	Simple robbery	10 days	File with RSA
Waiga Rahman	CPS Arua	Simple robbery	7 days	File with RSA
Amoko Richard	Laropi Police Station and CPS Moyo	Defilement	16 days	File with RSA
Tiondi Ben	Laropi Police Station	Defilement	30 days	File with RSA
Byamugisha Samuel	Kagadi Police Station	Murder	1 week	Investigations being carried out
Kitome Wilferd	Kagadi Police Station	Murder	3 weeks	Investigations being carried out
Musasizi Swaibu	Kibaale Police Station	Murder	I month	File referred to the Resident State Attorney
Tukwasibe Calsit	Kibaale Police Station	Murder	1 month	File referred to the Resident State Attorney
Musinguzi Fetted	Kibaale Police Station	Murder	1 month	File referred to the Resident State Attorney
Longole Patrick	Nakapiripirit CPS	Arson	1 Month	Awaiting amicable settlement
Kipsotich Barnabas	Amudat CPS	Defilement	12 days	No court session in Amudat and Nakapiripirit for 2 weeks

UHRC staff interviewing suspects arrested during a night operations and detained without being charged, at Rwamucucu Police Post in Kabale District

b) Prisons

UHRC observed that the number of inmates on remand due to irregular High Court circuits, numerous court adjournments and failure to cause list matters of inmates whose cases have been committed to the High Court was increasing. The number of prisoners on remand had continued to rise from 18,808 in 2012, to 21,711 in 2013 to 22,937 in 2014.[22] In addition, it was pointed out that 55% of prisoners were still on remand, with the occupancy rate at 263.3% as at December 2014.[23] The UHRC noted that the period an inmate remains on committal is not provided for in the law. As was highlighted in the case of prisoners awaiting ministers orders, the UHRC also sent a list of detainees who were on remand for more than two years to the Principal Judge in order for their cases to be handled expeditiously. Table 2.5 shows documented cases of inmates arbitrarily detained in prison facilities.

Table: 2.5: Documented cases of inmates arbitrarily detained in prison facilities.

NAME OF DETENTION FACILITY	NAME OF INMATE	OFFENCE CHARGED WITH	DURATION IN DETENTION	REASON
Ndorwa Prison	Arimpisya Andrew	Attempted murder	4 years	Lack of enough Judicial officers in the area
Ndorwa Prison	Beinomugisha Anaclyt	Attempted murder	4 years	Lack of enough Judicial officers in the area
Ndorwa Prison	Bizimana Sam	Aggravated robbery and murder.	3 years	Poor and delayed investigations by the Police.
Ndorwa Prison	Aramanzan Hassan	Aggravated robbery and murder	3 years	Inadequate High Court sessions to handle the capital offences.
Ndorwa Prison	Sebuhinja Milton	Aggravated robbery and murder	3 years	Inadequate High Court sessions to handle the capital offences.
Ndorwa Prison	Bizimungu Fred	Aggravated robbery and murder	3 years	Lack or absence of enough doctors and resources to handle post-mortem reports

[22] n 19 above.

[23] As above.

NAME OF DETENTION FACILITY	NAME OF INMATE	OFFENCE CHARGED WITH	DURATION IN DETENTION	REASON
Baluku David	Fort Portal Male Prison	Murder	3 years and 9 months	Matter not yet cause listed since committal
Kandole James	Fort Portal Male Prison	Aggravated defilement	2 years and 11 months	Matter not yet cause listed since committal
Sunday John	Fort Portal Male Prison	Aggravated robbery	2 years and 7 months	Matter not yet cause listed since committal
Baguma John	Fort Portal Male Prison	Murder	2 years and 6 months	Matter not yet cause listed since committal
Mwongo Bwabo William	Fort Portal Male Prison	Aggravated defilement	2 years and 6 months	Matter not yet cause listed since committal

c) Military detention facilities

In military detention facilities the UHRC observed that some civilians were detained for periods beyond seven months on the grounds that the military courts take a very long time to hear cases due to irregular court sittings. Following the inspection of military detention facilities the UHRC met with the Deputy Director of legal services and the UPDF Chief Prosecutor and brought to their attention the issue of prolonged detention in military detention facilities.[24] Table 2.6 shows documented cases of inmates arbitrarily detained in military detention facilities.

Table 2.6: Documented cases of suspects arbitrarily detained in military facilities

NAME OF INMATE	NAME OF DETENTION FACILITY	CRIME CHARGED WITH	DURATION IN DETENTION	REASON
Achilo Andrew	Acholipii 5th Division	Illegal possession of firearm	10 months	Awaiting Court Martial to convene
Lokut Peter	Acholipii 5th Division	Illegal possession of firearm	10 months	Awaiting Court Martial to convene
Namuya Charles	Acholipii 5th Division	Illegal possession of firearm	8 months	Awaiting Court Martial to convene
Opio Opelemunyu	Acholipii 5th Division	Illegal possession of firearm	7 months	Awaiting Court Martial to convene
Okello Vincent	Acholipii 5th Division	Deserter	5 months	Awaiting Court Martial to convene
Layimoi Lumuge	Acholipii 5th Division	Illegal possession of firearm	10 months	Awaiting Court Martial to convene

15) Torture and solitary confinement

The UHRC found inmates who complained of being allegedly tortured by Katikiros, inmates or police officers during arrest. UHRC instituted investigations into these complaints and advised the authorities to take action against officers who tortured inmates or suspects. In spite of these interventions UHRC noted with concern the failure of the authorities to take action against the perpetrators after the alleged torture. Table 2.7 shows cases of torture and solitary confinement documented during inspections.

[24] Follow up meeting organized by the UHRC to meet with the UPDF Deputy Director Legal Services, Col. Busingye and the UPDF Chief Prosecutor Col. Kanyesigye at Office of the Chairperson in 29 October 2014 and 30 September 2014 respectively.

Table 2.7: Cases of alleged torture and solitary confinement documented during inspections

NAME OF THE DETENTION FACILITY	NAME OF THE INMATE ALLEGEDLY TORTURED	ACTION TAKEN IF ANY BY THE AUTHORITIES
CPS Moyo	Mawadri Charles	N/A
Lira CPS	Odongo Moses	On intervention by UHRC, the suspect was released on police bond since he had wounds all over his body
Acholipii 5th Division	Leomoe Lomuge	He was taken for treatment at the health centre
Uganda Government Prison, Kakumiro	Sensoro Andrew	Taken for treatment
Kyankwanzi Police Station	Mutyaba Erias	Given pain killers
Kachanga Police Post	Kasibante Joel	Released at the intervention of UHRC
Kachanga Police Post	Sekumba Robert	Released at the intervention of UHRC
Bigasa Prison	Kamwesigye Frank	None
Masaka CPS	Kajubi Yasin	None

16) Sanitation

The UHRC noted an improvement in both personal hygiene and the management of human waste through the elimination of the bucket system in some facilities, as well as phasing it out during the day in some others. Sanitation improved through: provision of adequate water for bathing and cleaning of the wards; the use of Safe Guard for purification of water; safe storage of water in containers; the provision of soap to inmates and sanitary towels to female inmates.

UHRC, however, noted that scarcity of water in some facilities led to poor hygiene and this was compounded by the big challenge of lack of access to water during the dry season.

The UHRC observed that in 24 (13.3%) prisons and 500 (55%) police facilities inspected, the bucket system was used both during the night and during the day. These detention facilities included Nakapiripirit, Moroto and Gulu central police stations; Kyenjojo and Kamwenge Police Stations; Vvumba (Kasese District), Palabek Ogili (Kitgum District) and Kinyogoa (Luwero District), police posts; as well as Albetong, Kigandalo, Ngoma, Mukujju Government Prison; Uganda Government Prison Kapeeka; Makubira (Luweero District), Kitanda (Masaka District) and Bigasa prisons. In addition, the UHRC found that disposal of human waste remained a challenge in police detention facilities, such as Mucwini (Kitgum District) Police Post where suspects disposed of human waste through a window.

The window (above the inmate on the right) at Mucwini Police Post (Kitgum District) through which suspects dispose of human waste

17) Old, dilapidated buildings and makeshift structures

In 2014, UHRC observed that 149 (16%) police detention facilities, 73 (41%) prisons and 12 (55%) military places of detention had old and dilapidated buildings unfit for human habitation. This is in comparison to 2013, when UHRC observed that 150 police detention facilities, 41 prisons and 1 military detach had old or dilapidated buildings and makeshift structures. The UHRC found that Rakai Prison was housed in dilapidated former maize granaries while at Kasekulo Police Post (Kalangala District) suspects had their legs chained to prevent them from taking advantage of the old rickety building to escape.

Kachanga Police Post in Kalangala District

A dilapidated cell with bedbugs at Gulu CPS.

18) Lack of beddings and uniforms for inmates

In 2014, UHRC found that 69 (38%) prisons and 732 (80%) police detention facilities did not provide adequate beddings for inmates and suspects. This was a similar situation in 2013, when UHRC noted that in 60 prisons inmates were not provided with adequate beddings and uniforms. UHRC observed that inmates either slept on bare floors or torn blankets or papers. At Lukaya and Kyotera police stations as well as Kyamutunzi and Butunduzi police posts in Kyenjojo, suspects did not have any beddings. At Bombo Police Station inmates slept on old blankets and mattresses while in Sembabule Prison 104 inmates shared 20 blankets.

19) Increasing tendency by Crime Preventers and Local Council leaders to assume the role of law enforcement officers

UHRC noted with concern the increasing tendency by Crime Preventers and Local Council leaders to assume the role of law enforcement agencies. These crime preventers usually undergo training for two

weeks after which they are deployed to police posts. The UHRC found that most of the police out posts in Buhweju District were being manned by crime preventers. At Bihanga police post (Ibanda District), crime preventers were found in full police uniform. UHRC also found that the LC I Chairperson at Senelo landing site arrested suspects and chained them to a tree until police officers arrived from Bugoma (Kalangala District), a distance that usually takes eight hours.

20) Rehabilitation

Rehabilitation and reintegration of inmates back into society should be the aim of correctional facilities that seek to make inmates responsible members of the society. In 2014, 706 inmates benefited from Functional Adult Learning Programmes, 2,295 benefited from the formal educational programmes, 1,959 inmates enrolled in vocational skills training and 1,054 inmates gained knowledge in modern agricultural practices.[25]

These programmes were observed at Makurubita Prison where inmates were trained in modern agricultural practices; in Ngoma Government Prison where inmates were involved in brick laying and construction works; and in Masaka, Rakai and Lwengo prisons where inmates were being trained in carpentry. In spite of the efforts made to integrate inmates back into society the interventions are very limited. The UHRC had observed such programmes in 41 (29%) prisons in 2013, and in 2014 noted that rehabilitation programmes were offered in 72 (40%) prisons.

21) Prisons and Police Staff Welfare

Prison and police staff welfare encompasses salaries, accommodation, transport and staffing, which are crucial to just and favourable conditions of work, a human rights issue. Ensuring just and favourable conditions of work, is central to ensuring the humane treatment of staff which inevitably impacts on the treatment of inmates. UHRC commends the UPF for reinstating salaries of some police officers who had been deleted from the payroll as reported in 24 places of detention and for providing accommodation for staff in 15 places of detention. However, the UHRC observed that these conditions continued to be dire and it was a recurrent challenge. Just like the situation was in 2013, when staff accommodation was a challenge in 634 (60%) detention places inspected which had old and dilapidated buildings, in 2014 staff in 593 (53%) places of detention were still accommodated in old and dilapidated structures.

In addition, 909 (81%) places of detention were understaffed while staff in 259 (23%) places of detention complained about delays in receiving salaries and at times being paid less than what they were entitled to. For instance two police officers at Buseka and Lwebitakuli police posts (all in Sembabule District) alleged that they had not received salary for more than three years.

The UHRC noted that 984 (88%) places of detention had inadequate stationery and equipment while staff in 339 (30%) places of detention had inadequate uniforms.

Staff houses at Kikonda Police post in Kyakwanzi District

[25] n 23 above.

2.3.2 Remand Homes

In 2014, UHRC inspected all the six remand homes in Arua, Fort Portal, Naguru, Mbale, Masindi (Ihunga) and in Gulu. In addition, UHRC inspected Kampiringisa Rehabilitation Centre.

The UHRC observed that Arua Remand Home had been operationalised and, it therefore, had adequate wards, food, beddings and mattresses. The environment at Fort Portal Remand Home was generally clean; and the Gulu, Arua, and Fort Portal remand homes provided clean water and the children had access to facilities for bathing.

Inspite of this progress, UHRC was informed that families of the juveniles do not visit them in detention and that children's families rejected them when they were taken back to resettle in the community.

As noted in the previous Annual Reports, remand homes faced challenges of inadequacy in funding, accommodation, uniforms and transport, besides their wide coverage and delays by the courts to hear cases. Gulu Remand Home did not provide adequate meals to the juveniles.

2.4 RECOMMENDATIONS

1. The Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service, Uganda Police Force the Uganda Peoples' Defence Forces and Ministry of Gender, Labour and Social Development to ensure that the rights of inmates and staff are respected.
2. Uganda Prisons Service, Uganda Police Force and Uganda Peoples' Defence Forces should enforce the Prohibition and Prevention of Torture Act (2012) in order to hold perpetrators of torture accountable in places of detention.
3. Parliament should amend the law to prohibit the detention of civil debtors in line with Government obligations under the International Covenant on Civil and Political Rights.
4. Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, Uganda Police Force and the Uganda Prisons Service should ensure that children in conflict with the law are separated from adults in all places of detention.
5. The Central Government should take over the responsibility of funding the remand homes in order to address the perennial challenge of limited funding.
6. Justice, Law and Order Sector should strengthen the mechanism for diversion of children away from the criminal justice system including through mediation and arbitration.
7. Uganda Prisons Service, Uganda Police Force and the Uganda Peoples' Defence Forces should completely phase out the bucket system.
8. Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Ministers Orders.

2.5 CONCLUSION

The UHRC acknowledges the interventions by the UPF, UPS, UPDF and Ministry of Gender, Labour and Social Development to improve conditions in places of detention such as the continued establishment of Human Rights Committees, renovation of infrastructure, maintaining of updated registers and access to information by inmates. These interventions, however, have to be supported by addressing structural and administrative challenges that cause the human rights issues raised to be recurrent, thus hindering the realisation of the rights of inmates and staff.

CHAPTER 3
HUMAN RIGHTS EDUCATION AND AWARENESS PROGRAMMES

3 INTRODUCTION

The UHRC conducts Human Rights Education (HRE) and awareness programmes to foster a culture of respect for human rights. The Commission does this through imparting knowledge and skills that people need to claim their rights and to, understand and fulfil their duties and responsibilities. UHRC believes that HRE constitutes an essential component of the medium and long-term strategy for prevention of human rights violations, as it addressed the underlying causes and is crucial to the achievement of a society in which human rights are valued and respected.

3.1 THE LEGAL FRAMEWORK

The international, regional and national legal frameworks underscore the importance of HRE and the critical role it plays in ensuring the respect for human rights. These include, the Universal Declaration of Human Rights (Universal Declaration), the Convention on the Rights of the Child (CRC) and the African Charter on Human and Peoples Rights (ACHPR).

The Constitution of Uganda mandates UHRC to establish a continuing programme of research, education and information to enhance the respect of human rights.[26] Furthermore UHRC is mandated to formulate, implement and oversee programmes intended to inculcate in citizens an awareness of their rights and obligations as free people.[27]

3.2 EDUCATION AND AWARENESS ACTIVITIES

The HRE activities conducted by UHRC in 2014 comprised workshops/trainings, community outreach activities, media campaigns and commemoration of international human rights days. The aim of the interventions was to enhance the levels of human rights awareness, nurture a culture of respect for human rights and emphasise the importance of citizens' duties and responsibilities.

UHRC sensitised a total of 28,488 persons drawn from law enforcement and security agencies, the medical profession, the media fraternity, district local Governments, schools and grass roots communities. There was a 46% reduction in the number of people sensitised compared to the 41,530 who were reached in 2013. This is mainly attributed to the limited financial resources that hampered the UHRC's HRE and awareness campaign.

3.2.1 Human Rights Education for Police and Security Agencies

The Constitution of Uganda requires all Police and security agencies to respect human rights in the execution of their work. Article 20(2) of the Constitution provides that all organs and agencies of Government shall respect, uphold and promote the rights and freedoms of individuals and groups enshrined in Chapter 4. Article 221 distinctly obliges law enforcement and security agencies to respect human rights. It provides that it shall be the duty of the UPDF, UPF, UPS and all Intelligence services to observe and respect human right and freedoms in the performance of their functions.

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[26] n 20 above, Article 52(1)(c)

[27] As above, 1(g)

UHRC trained a total of 1,042 members of the UPF and UPDF in 2014. There was a reduction in the number of officers trained compared to the 2,111 trained in 2013. This was due to a reduction in the number of trainings conducted, which was a result of financial resource constraints. It is important to inculcate a culture of respect for human rights within UPF and Security agencies through protracted human rights training programmes to pre-empt violations. This is crucial given that the number of complaints of human rights violations lodged against UPF, UPS and UPDF increased by 28.4% from 515 in 2013 to 720 in 2014.

Nonetheless as a result of the human rights awareness activities conducted with the Law Enforcement and Security agencies, the UHRC has nurtured a strong working relationship with the institutions which facilitates cooperation from them when UHRC is conducting inspections and investigations.

1) Human Rights education for the Uganda Police Force

The UHRC conducted HRE programmes for 918 members of UPF of whom 730 were male and 188 female. Trainings were conducted for police officers from the districts of Mpigi, Kayunga, Buikwe, Amuru, Buliisa, Bugiri, Kibuku, Butaleja, Budaka, Busia, Tororo, Masaka, Kalungu, Lwengo, Rakai, Serere, Soroti, Mbarara, Ntungamo, Isingiro, Kiruhura, Bushenyi, Sheema, Buhweju, Mitooma and Rubirizi.

The participants acquired knowledge in: basic human rights principles; the role of the Police in the protection and promotion of human rights; the rights of suspects on arrest and in detention; the provisions of the Prevention and Prohibition of Torture Act; juvenile justice; integration of human rights in community policing; and the psycho-social context of policing in post-conflict areas.

A UHRC official facilitating at a training workshop for security agents at Town Lodge, Tororo.

Participants who attended a workshop for CID officers from Greater Bushenyi region at Bushenyi Guest House.

2) Human Rights training for Uganda Peoples' Defence Forces

In 2014, UHRC trained 124 members of the UPDF from Pader district, of whom 106 were male and 18 female. The training enhanced the participants' knowledge in: the mandate of the UHRC and their role in its execution; the implementation of the provisions of the Prevention and Prohibition of Torture Act; and the importance of civil-military cooperation.

3.2.2 Training of District Local Government officials in integrating the Human Rights Based Approach in national planning

The National Planning Authority (NPA) in partnership with the UHRC, the United Nations Office of the High Commissioner for Human Rights (UNOHCHR), United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), United Nations Children Fund (UNICEF) and the German Federal Enterprise for International Cooperation (GIZ) organised training workshops for local Government technical officers to equip them with practical skills to apply the Human Rights Based Approach to development planning[28]. The workshops were also conducted to consult local Governments on development issues with a view to inform the second National Development Plan. A total of 12 regional workshops were held in the districts of Jinja, Mbale, Lira, Gulu, Arua, Fort Portal, Mbarara, Masaka, Mukono and Hoima for selected local Government officers. These included Chief Administrative Officers, Municipal Council Town Clerks, District Planners, Municipal Council Planners and District Community Development officers. The skills gained from the workshops were to enable the local Government planning technical officers to ensure that all Local Government Development Plans (LGDPs) integrated human rights and other cross-cutting issues so they can be comprehensively reflected in the NDP II.

The UHRC also independently trained 109 district officials from Amuru, Kalangala and Ibanda districts in the Human Rights Based Approach to development planning. The participants comprised 59 males and 50 females and they gained knowledge and skills in how to base development programming on human rights and human rights principles and understanding the importance of integrating human rights in local Government programming and budgeting.

3.2.3 School Human Rights and Peace Clubs

The UHRC has been championing the formation of Human Rights and Peace clubs in secondary schools since 2003. A Human Rights and Peace Club comprises a group of students who voluntarily come together with the aim of promoting and protecting human rights, while emphasising the importance of duties and responsibilities within both their schools and communities. In order to facilitate the formation of Human Rights and Peace Clubs in schools the UHRC conducts sensitisation workshops for teachers and students. The UHRC also supports the already formed clubs in various ways.

1) Sensitisation workshops to facilitate the formation of Human Rights and Peace clubs in secondary schools

UHRC conducted human rights sensitisation programmes for 1,743 students and 255 teachers from the districts of Arua, Koboko, Maracha, Nebbi, Luweero, Kamwenge, Kyegegwa, Gulu, Jinja, Iganga, Mayuge, Bugiri, Masaka, Kalungu, Isingiro, Kotido, Moroto and Mbale. The trainings enhanced participants' knowledge of human rights; enabled them appreciate the importance of fostering a culture for the respect of human rights in schools; and strengthened their resolve to ensure the establishment and efficient operationalisation of Human Rights Peace Clubs. Furthermore through the trainings, members of Human Rights and Peace Clubs gained knowledge in the rights and duties of students, rights of the girl child and peaceful resolution of conflicts in schools.

[28]The Human Rights Based Approach to development planning lays out duties and obligations and focuses primarily on respect for human rights, accountability, empowerment, participation, and attention to the rights of the vulnerable

During the trainings, UHRC also facilitated the formation of 45 new school human rights and peace clubs in the districts of Koboko, Maracha, Masaka, Kalungu, Rakai, Mbarara, Sheema and Isingiro. The UHRC has to date established a total of 124 Human Rights and Peace Clubs in Secondary Schools countrywide.

2) Support to School Human Rights and Peace Clubs

The UHRC participated in some activities of Human Rights and Peace Clubs such as the hand-over and inauguration ceremonies for new Club Executives as was the case in Muni Girls Secondary School and Ediofe Girls Secondary School both in Arua District.

On the other hand, some club members participated in UHRC activities; For example, members from St. Victors Secondary School Bukomansimbi participated in the International Women's Day celebrations in Bukomansimbi and members from Crested High School, Lukaya participated in a human rights baraza at Kabale Bugonzi in Kalungu district. Through performing drama skits and songs, the students sensitised the community members on various issues including: Rights and responsibilities, children's rights and the importance of education among others. In Arua, club members at Muni Girls Secondary School participated as discussants in radio talk shows conducted by UHRC to discuss rights and duties of children.

Members of the Human Rights and Peace Club of Nadunget Senior Secondary School, Moroto performing during a drama activity at their school

UHRC monitored Human Rights and Peace Clubs in the districts of Arua, Jinja, Sembabule, Kalungu, Lyantonde, Masaka, Bukomansimbi, Mbarara, Moroto, Gulu, Amuru and Soroti. UHRC established that the Clubs conduct a number of activities under topical human rights themes such as the rights of the girl child, the rights and duties of students, the right to food, and the right to a clean and healthy environment. The activities include debates, drama shows, planting of vegetable gardens and the general cleaning of their schools.

UHRC printed and disseminated 7,000 copies of the Guidelines for the establishment of School Human Rights and Peace Clubs to support the clubs. The guidelines provide a framework within which the human rights and peace clubs are established and operationalised in schools. UHRC also printed and distributed 1300 T-shirts to members of the clubs and provided certificates for handover and inauguration ceremonies for new club leaders.

UHRC staff attend a handover and inauguration ceremony for Human Rights and Peace Club members of Ediofe Girls Secondary School, Arua

3.2.4 Human Rights awareness baraza for grass root communities

The UHRC conducted grass root human rights awareness campaigns reaching 22,621 people in communities through 186 community meetings (baraza). There number of people who participated increased by 10.6% in 2014, from the 20,217 that attended in 2013. This was due to enhanced mobilisation strategies through the use of local radio stations and local leaders at the grass roots level.

UHRC also conducted meetings in areas that usually have a proliferation of people such as markets, trading centres and landing sites. Such community meetings were conducted in the markets of Balikuddembe (Owino), Nakasero and Kamwokya in Kampala and landing sites in Mukono and Buvuma districts. Furthermore, the UHRC used film shows as a human rights awareness strategy and these attracted participation of more community members.

Of the total 22,621 participants, 14,236 were male while 8,385 were female. There was a 7% increase in the number of women who participated in the UHRC community meetings in 2014 from the 7,797 that participated in 2013. The increase is attributed to the UHRC's use of mobilisation strategies that particularly targeted women and encouraged them to attend the community meetings. An analysis indicates a steady increase in the number of women who attended the community meetings since 2010 as indicated in Figure 3.1. However, despite this increase, the women were still far fewer than men as was the case in previous years. Refer to Figure 3.2 below. UHRC attributed this to social-cultural inhibitions that are influenced by deep-rooted cultural beliefs that women do not attend meetings with men due to the patriarchal nature of most societies.

Figure 3.1: Number of women who attended community meetings 2010-2014

Figure 3.2: Number of Male and Female participants in community meetings 2010 - 2014

Communities were sensitised in 172 sub-counties in districts including: Adjumani, Nebbi, Arua, Koboko, Yumbe, Moyo, Buikwe, Kampala, Mukono, Buvuma, Kasese, Pader, Alebtong, Kibaale, Kiryandongo, Buliisa, Namutumba, Busia, and Jinja. Others were Sembabule, Kalangala, Masaka, Kalungu, Bukomansimbi, Rakai, Mbarara, Mitooma, Kiruhura, Ibanda, Nakapiripirit, Abim, Moroto, Napak, Amudat, Kotido and Kaabong. Other districts were Mbale, Manafwa, Kapchorwa, Kaberamaido, Soroti, Zombo, Kyenjojo, Kabarole, Gulu, Lamwo, Otuke, Agago, Kitgum, Lira, Amuru, Masindi, Kyankwanzi, Bugiri, Kamuli, Luka, Lwengo, Bushenyi and Bududa.

Participants gained knowledge in a wide range of human rights issues including the mandate of UHRC; provisions of the Constitution; children's rights; women's rights; land rights and land tenure systems in Uganda; functions of the UPF and the role of communities in community policing; rights of fishing communities; culture and human rights; and the human rights implications of human trafficking.

The participatory nature of the discussions enabled UHRC to identify and document pertinent human rights issues in the communities targeted. Of particular concern to the communities were: prevalence of early and forced marriages in the West Nile and Karamoja regions; the rise in cases of defilement and practice of settling defilement cases outside the formal justice system; violation of the rights of suspects through detention beyond the stipulated 48 hours; and rampant land disputes.

Other human rights issues that emerged were: rising cases of mob justice; violation of women's rights owing to cultural norms and beliefs that women have no right to own property especially land; persistent negative practices such as widow inheritance and domestic violence; high levels of corruption in public offices; inadequate services in the health and education sectors; low literacy levels; and delayed payment of pension. The discussions also included conflicts between communities and UWA; the diminishing trust and confidence in the justice system; the high levels of alcohol and drug abuse within the grass root communities; the importance of strengthening civil-military relations; and the need to translate the Constitution into more local languages.

A UHRC official addressing participants at a baraza at Kanyegaramire Catholic Church, in Bufunjo sub -county, Kyenjojo District

Community members watching a film show on human rights in Nabilatuk sub-county, Pian County, Nakapiripirit District

3.2.5 Human rights awareness for members of the Medical and Media Fraternities

The UHRC conducted a training workshop for members of the media, which was attended by 60 participants from various media houses in Kampala. UHRC convened the workshop in recognition of the vital role the media play in the protection and promotion of human rights in Uganda. Participants gained knowledge in the concept of human rights, the UHRC mandate and their role in its execution and the importance of ethics and professionalism by the media. Participants also shared experiences on their achievements and challenges as media in the realisation of human rights. The training workshop provided a basis for strengthening the working relationship between UHRC and the media in the quest to protect and promote human rights.

In addition, UHRC held a training workshop for medical personnel on the The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) under the theme: 'Effective Investigation and Documentation of Torture.' The 39 participants (22 male, and 17 female) who attended were from the districts of Pader, Agago, Kitgum, Gulu, Lira, Kaberamaido, Mbale, Kapchorwa, Abim, Nakapiripirit, Kotido, Mbarara, Mitooma, Ibanda, Jinja

and Kampala. The participants gained knowledge on the Prevention and Prohibition of Torture Act, the application of the Istanbul Protocol and the effects of torture. They also appreciated the important role they play in prevention and protection against torture. In particular, they gained skills on the effective documentation of the physical and psychological effects of torture using the Istanbul Protocol.

3.2.6 Media programmes

The UHRC used the media to raise awareness on human rights and to engage the general public on human rights issues. The media programmes included: radio and television talk-shows, radio spot messages, advertisements, media briefings and newspaper supplements.

1) Radio talk shows in 2014

The UHRC conducted a total of 95 live phone-in radio-talk shows on 55 radio stations countrywide. The number of talk-shows declined from the 182 that were conducted in 2013 owing to insufficient financial resources that could not support an extensive media campaign. The talk shows were conducted in various languages including English, Luganda, Lusoga, Runyankore/Rukiga, Runyoro/Rutooro, Ateso, Kumam, Kupsabiny, Lumasaba, Lugbara, Kakwa, Alur, Madi, Kiswahili, Ng'akarimojong, Leb-thur and Luo. Through the interactive nature of the radio talk shows, a total of 462 listeners called in to contribute to the discussion on the various human rights topics. Of the callers, 389 were male (84%) and 73 female (16%) as illustrated in Figure 3.3 below. It was noted that fewer women called in than men and this could be attributed to cultural impediments that prevent women from actively participating in discussions. Furthermore this could be also be attributed to women lacking the financial resources to enable them call into radio stations and engage in discussions.

Issues that listeners discussed during the talk-shows included: the rights of suspects and prisoners, duties and responsibilities of citizens, children's rights, the high prevalence of acts of mob justice, and the importance of accessibility to functional social services such as hospitals, roads and schools and land rights.

Figure 3.3: Percentage of Male and Female listeners who called in during radio talk shows conducted by UHRC

The topics discussed during the radio talk shows were influenced by prevalent human rights issues in a particular region which were also reflected in the nature of complaints received at the UHRC. They included: the concept of human rights, duties and responsibilities of citizens, prisoners' rights, the Prevention and Prohibition of Torture Act, mob justice as a human rights violation, and domestic violence as a human rights violation. Others were: the rights of PWDs, women's rights, rights and duties of children, the right to personal liberty, rights of suspects during arrest and in detention, land rights and land tenure systems, labour rights, rights of PWDs, corruption and human rights, the right to a clean and healthy environment and the right to health.

The wide radio coverage enhanced UHRC's visibility leading to an increase in the number of people seeking the Commission's services. The radio talk-shows enhanced the UHRC's human rights awareness campaign at the grass-roots as it was able to reach members of the public that it would not ordinarily physically access through its other activities.

2) Radio spot messages

The UHRC run a total of 3,473 radio spot messages on stations countrywide. Through these messages listeners gained information on human rights issues such as: the ills of domestic violence, mob justice as a human rights violation, the mandate of the UHRC, human rights, duties and responsibilities, and the provisions of the Prevention and Prohibition of Torture Act. Listeners also gained information on: early and child marriages, child labour as a human rights violation, rights of suspects, women's rights, the importance of adducing evidence at the UHRC Tribunal. The messages were aired in English, Ng'akarimojong, Luganda, Runyoro, Rutooro, Rukonzo, Luo and Ateso.

The spot-messages were informed by the prevalent human rights issues in a particular region and the nature of complaints received at the UHRC.

Annex 1 shows the radio talk-shows conducted and spot messages aired by the UHRC in 2014.

3) Television talk shows and infomercials

UHRC conducted two television talk-shows on Bukedde TV, in which viewers gained information on the provisions of the Prevention and Prohibition of Torture Act. The talk-shows were aired in Luganda during the popular Mini Buzz show which allowed for vibrant debate of the topics due to its interactive nature.

UHRC aired 43 television infomercials on NTV in which viewers were informed about the mandate of the UHRC and the location of its offices countrywide. Annex 2 shows the television talk-shows and infomercials aired by UHRC in 2014.

4) Newspaper supplements/adverts

The UHRC ran 12 newspaper supplements, advertorials and commentaries on specific human rights themes. They were published in three local newspapers and one periodical magazine. Readers gained knowledge of human rights issues such as the provisions of the Prevention and Prohibition of Torture Act; the importance of commemorating the International Human Rights Day, Women's Day, and the World Press Freedom Day; and the achievements of the UHRC in the execution of its mandate to protect and promote human rights. Annex 3 shows the newspaper supplements and adverts run by the UHRC in 2014.

5) Media Briefings

In fulfilment of its constitutional mandate, UHRC has over the years offered guidance to stakeholders and the general public on emerging human rights issues in the country. The Commission has done this through periodic press briefings among others. In 2014, UHRC held a total of 13 formal press conferences on various themes including announcing its significant achievements and calling for action by relevant stakeholders following incidents of human rights violations. The press conferences informed the media coverage, which raised awareness on the various human rights topics discussed. Annex 4 shows the press conferences that were held in 2014.

In addition to formal press briefings, the UHRC issued news releases to various media houses on important or monumental occurrences within the UHRC. Annex 5 shows the press releases issued by UHRC in 2014.

3.2.7 Use of Toll Free Lines

In 2014, UHRC rolled out the use of toll free lines in all its regional and field offices. During its human HRE and awareness programmes such as the community baraza and the radio talk-shows, UHRC publicised the toll free lines and encouraged the public to use them. Consequently members of the public called the UHRC's offices reporting human rights violations, following up on complaints lodged at UHRC and seeking legal and other advice. The toll- free lines provision has enhanced the public's access to the UHRC services, particularly for those who could not afford to physically access the UHRC's offices. A total of

1,665 people (1367 were male and 298 female) used the toll free telephone services in 2014. Table 3.1 below provides a breakdown of the call per regional office.

Table 3.1: Number of people who called UHRC Regional office using the toll free lines

REGIONAL OFFICE	NUMBER OF CALLERS	MALE	FEMALE
Arua	160	120	40
Central	582	505	77
Fort Portal	94	84	10
Hoima	86	76	10
Gulu	176	132	44
Jinja	90	78	12
Masaka	119	84	35
Mbarara	208	163	45
Moroto	94	79	15
Soroti	56	46	10
Total	**1665**	**1367**	**298**

Below are the UHRC Toll Free Lines are as per Regional and Field offices:

REGIONAL OFFICES	FIELD OFFICES
Arua Regional office – 0800144207	Kaberamaido Field office – 0800144210
Jinja Regional office – 0800144201	Kapchorwa Field office – 0800144205
Central Regional office – 0800122444	Kitgum Field office – 0800144204
Masaka Regional office – 0800144203	Kotido Field office – 0800144211
Fort Portal Regional office – 0800144200	Lira Field office – 0800144208
Mbarara Regional office – 0800144202	Moyo Field office – 0800144209
Gulu Regional office – 0800144166	Pader Field office - 0800144213
Moroto Regional office – 0800144212	
Hoima Regional office – 0800144204	
Soroti Regional office - 0800144206	

3.2.8 Human Rights education through publications

Information, Education and Communication materials are an essential aspect of HRE and awareness. In this regard, UHRC in 2014 produced and disseminated 89,586 IEC materials such as brochures, posters, handbooks, banners, T-shirts and '*Your Rights*' magazine. Through the IEC materials, UHRC disseminated crucial human rights messages to the public including provisions of the Prevention and Prohibition of Torture Act, mob justice as a human rights violation, the mandate of the UHRC, the right to health, freedom of assembly, health rights of PWDs, human trafficking and HRBA in national planning. The materials were produced in various languages such as English, Luganda, Luo, Kiswahili, Nga'Karimojong, Lugbara, Runyankore, Rukiga, Runyoro and Rutooro.

3.3 UHRC LIBRARY AND DOCUMENTATION SERVICES

Through the library and documentation centres (LDCs) at the head office and in all its regional offices, UHRC provided a vital resource for human rights information during 2014. The UHRC library services were accessed by researchers, students and members from the legal and media fraternity. A total of 853 users comprising 569 researchers, 223 students, 38 lawyers and 23 journalists accessed the UHRC library and documentation services.

The LDC was also equipped with 470 new materials in 2014 that consisted of text books, journals and periodicals.

The UHRC posted a total of 17 stories on its official website on various topical issues including upcoming activities, implemented activities and announcements to the public.

3.4 STAKEHOLDER ENGAGEMENTS

1) Dissemination of the UHRC Client Charter and Partnership Strategy

In 2014, UHRC engaged key stakeholders to disseminate its Client Charter and Partnership Strategy. A total of 320 participants attended the workshops including those from district local Governments, UPF, Prisons, UPDF, security agencies, Inspectorate of Government, Directorate of Public Prosecutions (DPP), education institutions, judicial officers, religious leaders, cultural leaders and civil society organisations. Stakeholder engagements were conducted in the Regional offices of Arua, Hoima, Moroto, Soroti, Kampala, Masaka, Mbarara, Gulu, Fort Portal, Jinja and participants were drawn from all the districts within the jurisdiction of the Regional offices. As a result of the engagements, the participants appreciated the importance of the need to streamline and strengthen their working relationships with the UHRC.

2) Consultative workshops for the proposed Human Rights National Action Plan for Uganda

UHRC in partnership with the Ministry of Foreign Affairs, Justice, Law and Order Sector (JLOS), UNOHCHR, GIZ and the Democratic Governance Facility (DGF) embarked on a process of developing a Human Rights National Action Plan (NAP) for Uganda in fulfilment of commitments Uganda as a state made during the 2011 (Universal Periodic Review) UPR process. Among other activities consultative workshops were held in the districts of Masaka, Mbarara, Moroto, Mbale, Arua, and Wakiso on what should be included in Uganda's NAP.

The workshops were attended by a total of 421 participants, among them officials from Government ministries, departments and agencies, district local Governments, UPF, Prisons, UPDF, security agencies, Inspectorate of Government, DPP, educational institutions, judicial officers, religious leaders, cultural leaders and civil society organisations. Once adopted, the NAP will provide an implementation framework for sustained and coordinated ways of promoting and protecting human rights. It will also be a key policy document to guide the Government of Uganda in fulfilling its international, regional and national human rights obligations.

Participants at a NAP workshop at Tropic Inn Hotel, Masaka District

3.5. HUMAN RIGHTS EDUCATION THROUGH PARTNERSHIPS

As is the practice, UHRC also conducted HRE through collaboration and partnerships with other individuals, institutions and organisations. The concerted effort enabled UHRC reach wider audiences, in addition to strengthening the working relationships it has with its stakeholders. In 2014, the UHRC participated in human rights awareness activities organised by stakeholders such as CSOs, Faith Based Organisations and international organisations. The UHRC made presentations on selected human rights topics that included: Corruption and human rights, children's rights, women's rights, the right to health, rights of suspects and prisoners, laws relevant to land rights, rights of People living with HIV/AIDS (PLWHA), rights of refugees, HRBA, the human rights implications of early and forced marriages and the Prevention and Prohibition of Torture Act. UHRC conducted HRE through partnership activities in the districts of Kampala, Arua, Koboko, Soroti, Kaabong, Isingiro, Buhweju, Mbarara, Masaka, Jinja, Buliisa and Hoima.

The organisations and institutions that UHRC partnered with included: Office of the Prime Minister, Justice Centres Uganda (JCU), UPF, UPDF, Human Rights Centre Uganda (HRCU), UNOHCHR, Transparency International, Buliisa Initiative for Rural Development Organisation, MIFUMI, Masaka District Network for AIDS Service, Uganda National Association for the Deaf, Buhweju District Youth Network, Real Agency for Community Development, World Vision, HURINET-U, Community Integrated Initiative and Action aid.

3.6 COMMEMORATION OF INTERNATIONAL, REGIONAL AND NATIONAL HUMAN RIGHTS DAYS

As a National Human Rights Institution (NHRI), the UHRC spearheaded joint advocacy activities to commemorate selected international human rights days and to raise awareness about the various human rights themes. The UHRC worked with CSOs, international agencies, sister institutions and other human rights defenders in this regard.

3.6.1 International Women's Day (8th March)

The UHRC added its voice to the global campaign to advocate for promotion of the 2014 theme for the International Women's Day which was 'Equality for Women is Progress for All'. In this regard, UHRC published a supplement in the New Vision newspaper on 8th March 2014 calling for equality for women.

UHRC also commemorated the International Women's Day in Bukomansimbi District, together with 221 members of the public in attendance, who appreciated the mandate of the UHRC and its services offered to the public.

3.6.2 World Press Freedom Day (3rd May)

UHRC, in partnership with the Uganda Journalists Association (UJA) carried out a series of activities to commemorate the World Press Freedom Day. These included press discourses and peaceful processions in Kampala and Fort portal.

A half-day press discourse on ***"Media Freedom: Deepening Self -Regulation"*** was held in Kampala at the ESAMI auditorium on 2nd May 2014, spearheaded by UJA with support from GIZ. Over 130 journalists and other stakeholders attended. A short video documentary on the state of the media in Uganda was screened to highlight the plight of journalists in Uganda. All speakers urged journalists to practise professional and responsible journalism. Earlier, a Press Discourse had been held in Fort portal on 30th April 2014 at Atako Country Resort, attended by 50 journalists from various media houses in western Uganda as well as representatives from UHRC and other CSOs.

A peaceful procession to raise public awareness about the day was held on 3rd May 2014 from the CHOGM Square to Kampala railway grounds, where the main event was held. All speakers urged the Government, to fulfil its obligation to guarantee freedom of the press, while journalists were called upon to play their role in a professional and responsible manner.

3.6.3 International Day in Support of Victims of Torture (26th June)

UHRC annually commemorates this day in partnership with other CSOs under the Coalition Against Torture (CAT) spearheaded by the African Center for Treatment and Rehabilitation of Torture Victims (ACTV). In 2014, the UHRC and members of CAT adopted a local theme ***'Fight torture: Implement the law',*** aimed at popularising the recently enacted anti-torture law in Uganda. The UHRC, partners under CAT and other stakeholders including UN OHCHR, conducted a series of activities both in Kampala and in Gulu from 23rd to 26th June 2014.

A community baraza was held on 23rd June 2014 at Nakasero Market to disseminate information on the new Anti-Torture law and its relevance to the members of the public. The UHRC, UPF, ACTV and HRCU addressed the dialogue that was attended by 85 people who actively participated in the discussions.

A public dialogue for policy makers was also held in Kampala to popularise the new Anti-Torture law. A total of 102 key stakeholders attended. They included: human rights defenders, legislators, representatives from ministries, Government departments and agencies, development partners, torture victims and their families, journalists, lawyers, students, artistes, leaders of political parties, the military and the police, civil society and the general public. The dialogue raised awareness about the freedom from torture, each one's role in fighting torture, as well as the new anti-torture law.

On 26th June 2014, stakeholders marched in peaceful procession from the CHOGM Square to the Kampala railway grounds where the main events to commemorate the day were held. The Minister of Internal Affairs Gen. Aronda Nyakairima presided over the celebrations, which attracted 220 participants, including: UHRC representative, ambassadors, development partners, representatives of CSOs, the media, policy makers and members of the public. An exhibition to showcase the role of the various participating organisations in the fight against torture in Uganda was held in which UHRC displayed its numerous reports and other IEC materials.

Other activities spearheaded by the UHRC Gulu Regional Office in partnership with ACTV and HURIFO were held in Northern Uganda. Community *barazas* to popularise the new anti-torture law were earlier held in Kitgum, Pader, Amuru-Pabo and Lira, as well as a media campaign in the sub-region. A peaceful procession was staged through Gulu town to Kaunda Grounds for the main event of the day marked with speeches, testimonies from torture survivors and drama skits.

3.6.4 World Day Against Death Penalty (10th October)

UHRC together with Foundation for Human Rights Initiative (FHRI) and other partners including UN OHCHR, Wells of Hope, ACTV, Uganda Joint Christian Council, Mission After Custody and the EU carried out advocacy activities to commemorate the World Day Against the Death Penalty. The aim was to raise awareness about the day in Uganda and promote the global campaign against the death penalty. UHRC participated in the Inter-denominational prayers held on 8th October 2014 at Luzira Prison to show solidarity with inmates on death row at Luzira Upper Condemned Prison. The main event was held on 10th October 2014 at the FHRI office in Nsambya presided over by the EU Ambassador and attended by MPs, Government officials, CSOs, former prisoners, children of inmates on death row, the media and judicial officers, among others.

3.6.5 World AIDS Day (1st December)

UHRC placed a half page supplement in the New Vision newspaper on the theme of the day: *'Re-engaging communities for Effective HIV Prevention – Accelerating Community Action towards Zero New Infections*'. The message in the supplement urged all stakeholders to play their role in the fight against HIV/AIDS in Uganda.

3.6.6 International Human Rights Day (10th December)

UHRC joined other partners, including the Human Rights Network (HURINET-U), HRCU, the UNOHCHR, the Equal Opportunities Commission (EOC), the Ministry of Justice and Constitutional Affairs, the Ministry of Gender, Labour and Social Development and others to commemorate the day under the theme: ***'Human Rights: 365'*** encompassing the idea that every day is a human rights day.

A joint public dialogue and human rights IEC exhibition were held on 9th December 2014 at Hotel Africana in which duty bearers accounted for their contribution to the protection and promotion of human rights in Uganda during the previous 365 days. A total of 169 participants attended. Partner organisations that participated in the exhibition included the UHRC, HURINET (U), HRCU; UNOHCHR; ACTV, HRNJ, and the UnWanted Witnesses among others.

The main event of the International Human Rights Day was an outreach activity at Naguru Remand Home which was preceded by a peaceful procession from Kololo ceremonial grounds. The Chief Walker was Hon. Ronald Kibuule, the Minister of State for Gender, Labour and Social Development who represented the Minister Hon Mary Karooro Okurut. Participants included ambassadors from the European Delegation and the Netherlands, development partners from the British High Commission, UNOHCHR, DGF and GIZ. Others were members of parliament, representatives from JLOS, Ministry of Justice and Constitutional Affairs, Ministry of Gender, Labour and Social Development, the UPDF, UPS, CMI and CSOs. The event also attracted the media, human rights defenders, and the general public.

The UHRC called on the Government and other relevant institutions to pay special attention to the rights of vulnerable groups, including juvenile offenders; to expedite the process of amending the Children's Act in order to provide for the diversion of children from the formal justice system; and to allocate more resources to institutions managing juvenile offenders.

UHRC used the event, attended by 230 participants, to carry out activities at the Remand Home, including painting of buildings, donating items such as mattresses, blankets, and slippers, in-door games, and providing free brief human rights sensitisation and counselling sessions to the juvenile offenders free-of-charge. The juveniles presented songs, poems and drama skits on human rights themes.

In addition, UHRC, through its Central Regional Office commemorated the day on Buvuma Islands. A series of activities were held for residents of the 54 Islands that make up Buvuma District from 7th to 13th December 2014. UHRC provided a platform to disseminate human rights information to the communities on the islands; carry out mobile complaints handling-clinics by receiving and registering complaints of human rights violations, investigating and following up on the cases already registered; and offer legal advice to islanders on various human rights concerns.

UHRC also commemorated the International Human Rights Day in Sembabule District under the theme '*Human Rights Protection and Promotion: A responsibility of everybody.'* The function was attended by 124 participants who appreciated the importance of International Human Rights day.

3.7 CHALLENGES IN THE PROVISION OF HUMAN RIGHTS EDUCATION

a) As previously reported, inadequate funding constrains the UHRC in conducting a sustained civic education campaign in accordance with Article 52(g) of the Constitution which requires the UHRC to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda an awareness of their civic responsibilities and an appreciation of their rights and obligations as free people. Considering its broad mandate and wide area of coverage, the UHRC cannot achieve the desired impact of its civic education interventions with the current intermittent funding.

b) During UHRC's civic education activities it was apparent that there is a general lack of legal awareness among the populace about the operational laws in Uganda. Land disputes and acts of mob action are rampant in communities due to among others, people's lack of awareness about the laws relevant to land and the justice processes.

c) Due to the poor road coverage in some regions and lack of availability of safe and regular transport means to districts located on islands, UHRC encountered challenges in accessing hard to reach areas to conduct civic education activities.

d) Fewer women attended community meetings due to socio-cultural inhibitions and the largely partriarchical nature of society in Uganda.

3.8 RECOMMENDATIONS

1. Government through the Ministry of Finance, Planning and Economic Development should adequately fund Uganda Human Rights Commission's civic education mandate as well as support efforts to streamline civic education delivery in Uganda.

2. Government through the Judicial Service Commission should strengthen the legal education campaign to ensure that the general public is informed about the laws in place and their applicability to issues such as land and access to justice.

3. Uganda Law Reform Commission should simplify key laws in place so that the general public knows and appreciates them.

4. Uganda Police Force should intensify its community policing initiatives in order to enhance the community's appreciation of the role of police and the duties and responsibilities of citizens especially in maintenance of law and order.

5. Members of the public should fulfil their duties and responsibilities as provided for by the Constitution especially under Article 17 and in particular respect for human rights and the laws in place, in addition to promoting the rule of law.

3.9 CONCLUSION

UHRC fulfilled its mandate to conduct HRE through various interventions such as trainings, community and school outreach programmes, media campaigns and commemoration of international human rights days. Through these initiatives, the UHRC reached out to different categories of the public in its quest to raise human rights awareness in Uganda. However, there is need for adequate support to UHRC to enhance its HRE and awareness programmes in order to nurture an informed citizenry aware of its human rights, duties and responsibilities.

CHAPTER 4

FINANCE AND ADMINISTRATION

4 INTRODUCTION

The UHRC was able to implement activities in fulfillment of its constitutional mandate as analysed in the various chapters of this report. The administration and support function enabled effective service delivery. The UHRC administration and support activities in the financial year (FY) 2013/14[29] included the provision of goods and services, utilities, transport equipment, furniture and fittings, office equipment, expendables, human and financial resources, general administration and management of the resources at the disposal of UHRC.

In order to strengthen institutional capacity, partnerships and strategic alliances, UHRC participated in a number of international, regional and national engagements. These covered a wide range of thematic human rights areas that were crucial to UHRC's effective performance in fulfillment of its mandate to protect and promote human rights in Uganda.

Service delivery in the FY was made possible with financial support from both the Government of Uganda (GoU) and development partners. The amount appropriated to UHRC for the FY 2013/14 by GoU was UGX 9.78 billion while donor contribution was UGX 3.28 billion. The total financial resource that was available to UHRC was UGX 13.06 billion which is slightly higher than the total amount of UGX 11.91 billion that was available in the previous FY 2012/13. This improvement was contributed to by the increase in resource allocation made by the Justice, Law and Order Sector from the Sector Wide Approach to development funds. Despite the continued human, financial and technical resource constraints, UHRC registered significant achievements as highlighted by the various chapters in this report.

4.1 OPERATIONAL AND ADMINISTRATIVE STRUCTURE OF UHRC

The UHRC is comprised of the Chairperson and six members. The Commission, as the highest structure is the policy making body responsible for providing strategic guidance; setting strategic goals that are translated into measurable and specific objectives by the responsible directorates; and ensuring that those strategic goals are achieved as planned. The Secretary to the Commission is the head of administration and responsible for the day-to-day running of UHRC, overseeing policy implementation and is the Accounting officer.

The UHRC has five directorates namely: Finance and Administration; Regional Services; Monitoring and Inspections; Complaints, Investigation and Legal Services; and Research, Education and Documentation. UHRC also has ten Regional Offices and nine Field Offices to take services nearer to the people. The functions of the Directorates and the details on the regional and field offices are highlighted below.

4.1.1 Directorate of Finance and Administration

The Directorate is responsible for:

a) Overseeing the day to day administration and management of the affairs of UHRC;

b) Controlling and providing logistical support for the UHRC staff to carry out their day-to-day activities;

[29] While the annual report covers the calendar year, the chapter on finance and administration covers a financial year. This was done to avoid splitting the financial year into two periods.

c) Management of funds of UHRC in accordance with the Public Finance and Accountability Act and regulations 2003; and

d) Overseeing the human resource, systems, public affairs, accounts, planning and procurement units.

4.1.2 Directorate of Complaints, Investigations and Legal Services (CIL)

The Directorate is responsible for:

a) Receiving, registering and investigating human rights complaints;

b) Ensuring that human rights complaints are resolved through giving advice to clients, mediations, conciliations and tribunal hearings;

c) Carrying out legal research and publishing tribunal decisions; and

d) Providing general legal services to the Commission.

4.1.3 Directorate of Research, Education and Documentation (RED)

The Directorate is responsible for:

a) Designing and delivering human rights and civic education programmes, including developing human rights training materials;

b) Carrying out human rights and constitution awareness programmes;

c) Carrying out research on pertinent human rights issues; and

d) Providing human rights information through publications, the library and documentation centre and the website at: www.uhrc.ug

4.1.4 Directorate of Monitoring and Inspections (M & I)

The Directorate is responsible for:

a) Monitoring Government's compliance with international human rights instruments;

b) Inspecting places of detention or related facilities and making recommendations to Government;

c) Monitoring the state of human rights in the country and compiling annual and periodic reports;

d) Promoting the Human Rights Based Approach (HRBA) in the development and implementation of Government legislation, policies and programmes;

e) Analysing bills tabled before Parliament; and

f) Spearheading UHRC's special programmes for vulnerable persons as well as the right to health.

4.1.5 Directorate of Regional Services (RS)

The Directorate is responsible for:

a) Providing advice, support and facilitation for the planning, management and reporting on activities of regional offices;

b) Supporting and supervising regional offices in the delivery of UHRC's services;

c) Serving as a link between the Head Office and regional offices, particularly in ensuring that there are effective and efficient processes of consultations, information flow and of feedback;

d) Supporting, assisting and facilitating the directorates in the execution of their programmes in the regions or through the regional offices;

e) Monitoring and reporting on the general performance of the regional offices and regional staff;

f) Supporting the Directorate of Finance and Administration in the finance and human resources management of the regional offices;

g) Reporting on the general activities of regional offices and recommending measures to improve the quality and quantity of services provided by the regional offices.

h) Any other function assigned by the Commission.

4.1.6 UHRC Regional Offices

In order to reach the masses, UHRC has since its establishment opened 10 regional offices namely: Gulu, Arua, Soroti, Jinja, Fort Portal, Mbarara, Masaka, Moroto, Central and Hoima. The Regional Offices are headed by Regional Human Rights Officers who are responsible for implementing all the UHRC activities as laid down in the Strategic Investment Plan in close liaison with the respective directorates. The functions of each Directorate therefore are reflected in each of the regional offices which must have a designated staff responsible for their implementation.

The number of districts covered by each regional office ranges from seven to eighteen. It is therefore still a challenge for UHRC to increase its presence in each district amidst resource constraints. There are only four technical staff in each region with one vehicle supplemented by motor cycles which cannot easily traverse the districts. Table 4.1 below shows the districts covered by each regional office.

Table 4.1: Jurisdiction of Regional offices and number of districts served

REGIONAL OFFICE	NUMBER OF DISTRICTS	REGIONAL OFFICE DISTRICT COVERAGE
Arua	8	Adjumani, Arua, Koboko, Maracha, Moyo, Nebbi, Yumbe and Zombo.
Fort Portal	7	Bundibugyo, Kamwenge, Kabarole, Kyenjojo, Kasese, Kyegegwa and Ntoroko.
Gulu	14	Agago, Alebtong, Amuru, Apac, Dokolo, Gulu, Kitgum, Lira, Nwoya, Otuke, Oyam, Lamwo, Kole and Pader.
Jinja	15	Bugiri, Busia, Namutumba, Butaleja, Buyende, Iganga, Jinja, Budaka, Luuka, Namayingo, Kaliro, Kamuli, Mayuge, Tororo and Pallisa.
Mbarara	15	Buhweju, Bushenyi, Ibanda, Isingiro, Kabale, Kanungu, Kiruhura, Kisoro, Lyatonde, Mbarara, Mitooma, Rubirizi, Rukungiri, Ntungamo and Sheema.
Moroto	7	Abim, Amudat, Kaabong, Kotido, Moroto, Nakapiripirit and Napak.
Soroti	17	Amolatar,Amuria,Bukedia,Bududa,Bukwo,Kaberamaido,Kapchorwa, Katakwi, Kumi, Manafwa, Ngora, Serere, Sironko, Kween, Bulambuli, Mbale, and Soroti.
Masaka	8	Kalangala, Kalungu, Masaka, Rakai, Sembabule, Bukomansimbi, Lyantonde, Lwengo

REGIONAL OFFICE	NUMBER OF DISTRICTS	REGIONAL OFFICE DISTRICT COVERAGE
Central	14	Buikwe, Buvuma,Kayunga, Mpigi, Mukono, Gomba, Mubende, Wakiso, Nakaseke, Nakasongola, Luwero, Mityana, Kiboga,Butambala, Kampala City[30]
Hoima	6	Kibaale, Hoima, Buliisa, Masindi, Kyankwanzi and Kiryandongo

4.1.7 UHRC Field offices

UHRC opened field offices to supplement the reach of regional offices and alleviate the challenges of accessibility to human rights services, including prohibitive distances between the regional offices and various districts. UHRC currently has nine field offices in Kaberamaido, Kapchorwa, Kotido, Nakapiripirit, Pader, Kitgum, Lira, Moyo and Kalangala.[31] The field offices supplement the efforts of the regional offices in reaching the grass root. Each field office operates under the supervision of a regional office and is manned by two volunteer staff.

4.1.8 Farthest sub counties served by regional offices

Despite the presence of UHRC in ten regional offices and nine field offices, regional offices still cover vast areas to the extent that it is very difficult for people from some sub-counties to access UHRC services.

This means that people have to cover long distances to reach UHRC offices. For example a person from Suam[32] sub-county in Bukwo District which is under Soroti Regional office has got to move about 400 kilometres to Soroti Regional office to access UHRC services. This is a practical challenge because in most cases the victims of human rights violations are the most vulnerable in society. Table 4.2 gives a summary of the most distant places that the UHRC regional offices have to reach in order to deliver services.

Table 4.2: Regional offices and their farthest sub counties

REGIONAL OFFICE	FARTHEST SUB-COUNTY	DISTANCE
Arua	Gimara sub-county, Obonge county, Moyo District	216km
Central	Lwampanga sub-county, Nakasongola District	120km
Fort Portal	Karambi sub-county, Bukonjo West county, Kasese District	152km.
Gulu	Agoro sub-county, Lamwo District	300km
Jinja	Paya sub-county, West Budama, Tororo District	150km
Masaka	Lwemiyaga sub-county, Sembabule District	130km
Mbarara	Bunagana sub-county, Kisoro District	242km
Moroto	Lobalangit sub-county, Kaabong District	305km
Soroti	Suam sub-county in Bukwo District	400km
Hoima	Ndaiga sub-county, Kibaale District	155km

4.1.9 Staffing levels as at 31st December 2014

As at 31st December 2014, UHRC was employed three categories of staff, namely substantive staff, volunteer staff and project staff. The total number of staff including chairperson and members of the Commission was 232 (118 females and 114 males). Of these, 83 substantive staff, secretary and members of the Commission were based at head office. The ten regional offices had 85 substantive staff 18 volunteers and 8 data entry clerks. Each regional office had 8 to 9 staff on average.

[30]Central regional office has a total of 14 Districts. Central regional office is also responsible for Kampala city with its five divisions namely: Kampala Central, Kawempe, Makindye, Nakawa and Lubaga.

[31]Accessibility to UHRC services by the population in some parts of the Country is difficult. Kalangala for example is not very far from Masaka regional office but the means of getting to the regional and field o office from the highlands has remained a challenge.

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The nine field offices had a total of 18 volunteers. The total number of staff in the regional and field offices was 128. This staffing level is inadequate to enable the Commission to carry out its constitutional mandate and achieve its strategic objectives. Table 4.3 below shows the staffing levels as at 31st December 2014. (Refer to Annex 6 for the full list of UHRC staff and Annex 7 for the list of volunteers at 31st December 2014.

On a sad note, UHRC lost a Member of the Commission Ms. Thecla Kinalwa who joined in April 2014 and passed away on 1st November 2014.

Table 4.3: Staffing levels as at 31st December 2014

NO.	CATEGORY OF STAFF	HEAD OFFICE	REGIONAL OFFICES	FIELD OFFICES	TOTAL
1	Members of the Commission	6	0	0	6
2	Secretary to the Commission	1	0	0	1
3	Substantive staff	83	85	0	168
4	Volunteer staff	13	18	18	49
5	Project staff (Data entry)	0	8	0	8
	Total	**103**	**111**	**18**	**232**

4.1.10 Staff costs

In the period under review the annual wage for UHRC was UGX 3.60 billion. The corresponding wage-related staff costs which include 10% employer contribution to NSSF, medical insurance, gratuity and staff welfare totalled UGX 3.23 billion funded by GoU. Other staff costs included volunteer and data entry clerk allowances which were funded by Democratic Governance Facility (DGF) to the tune of UGX 0.384 billion. The total annual staff costs were therefore UGX 7.214 billion which is 55.2% of the total UHRC annual budget of UGX 13.06 billion for FY 2013/14.

4.2 DEVELOPMENTS IN HUMAN RESOURCE MANAGEMENT

UHRC continued to carry out human resource practices intended to encourage innovation and improve productivity, talent management and development, as well as effectiveness and efficiency of individual staff at all levels. This entailed staff accessing the payroll in time; effective selection and recruitment, staff training and development as well as performance improvement.

4.2.1 Training and Development

Training and development was one of the strategies used by UHRC to address high staff turnover and ensure staff retention. Basing on a needs assessment conducted in the FY 2010/11 to determine the skills and development needs necessary for improving performance of individual staff and the institution, seven members of staff were in the FY 2013/14 trained in various disciplines. These disciplines included emerging human rights issues, finance, performance mentoring and resource mobilisation.

4.2.2 Performance improvement

In the period under review UHRC was in the second year of implementation of its performance management system that was developed following the needs assessment referred to earlier. In this regard, all staff members were mentored on performance planning and subsequently each of them prepared and submitted performance plans and targets agreed on with their supervisors. Individual performance was monitored throughout the year; all staff evaluated and gaps identified, all of which informed the human resources planning for the FY 2014/15.

4.2.3 Staff payroll

UHRC complied with the reforms in the Public Financial Management Systems and the Integrated Personnel Payroll System (IPPS) of the Government of Uganda, where all UHRC substantive staff accessed the payroll and were paid by the 28th day of every month in addition, UHRC staff that accessed the payroll also accessed the medical scheme with International Air Ambulance (IAA).

4.2.4 Recruitments, promotions, retirements and resignations

The Commission recruited 17 staff members to fill key positions in the UHRC establishment and 23 volunteers were also recruited to boost the human resources. In addition, 10 data entry clerks were recruited to be stationed at the ten regional offices to specifically enter records of complaints received into the Human Rights Information System (HRIS), which is a complaints management database. Hiring volunteer data entry clerk services was made possible with financial support from DGF. Ten members of staff were promoted to senior positions. Six members of staff retired and 13 resigned.

4.3 INTERNAL AUDIT FUNCTION

In line with the requirements of the Government of Uganda Internal Audit Charter, the internal audit function provided the assurance for appropriate and effective internal controls. The Internal Audit unit carried out objective appraisal and evaluation of the risk management processes, enforced internal controls, monitored compliance with UHRC policies and Government regulations in addition to identifying corrective action and enhancements to the controls and processes. The unit provided independent analysis and assurance that operations were efficient and effective.

The Internal Audit activity was fully supported by management and had full, unrestricted access to all organisational activities, records, property and personnel. It carried out both post and pre-audit of all financial transactions of both Government of Uganda and Development Partners.

4.4 FUNDING OF UHRC IN THE YEAR 2013/2014

In the FY 2013/14, UHRC received funding from GoU and development partners. GoU contribution was UGX 9.78 billion which accounted for 75% of total funding while donor contribution was UGX 3.28 billion representing 25%.[33] The total funding available in the financial year was UGX 13.06 billion. While wage and staff costs accounted for 55.2%, of the total budget, other operational costs accounted for 44.8%. GoU contribution has progressively increased from UGX 7.27 billion in FY 2010/11 to UGX 9.78 billion in FY 2014/15 representing 25.6% increase. However it has not been commensurate with the needs of UHRC. In effect, UHRC has continued to rely on donor funding to enable it fulfil its constitutional mandate.

4.4.1 Inadequate funding

UHRC has continued to grapple with the challenge of inadequate funding. This was compounded by the fact that on top of the head office expenses, UHRC had to take on the operational expenses of regional and field offices which were initially funded by development partners. Worse still, support and administration expenses in the development partners' budgets was restricted to 10% of the total budget.

This meant that the bulk of operational expenses for all the regional and field offices had to be moved to the GoU budget causing an additional strain on the non-wage bill. This only compounded a situation

[33]The percentage contribution is based on the affordable estimates or MTEF ceiling but not the total estimates submitted by UHRC. A comparison of the affordable estimates and the UHRC submission results into a funding gap as presented in Table 4.4.

that was already bad. Consequently, UHRC grappled with the continued heavy reliance on development partners to fund its core human rights activities.[34]

According to the Paris Principles relating to the status of National Human Rights Institutions; composition and guarantees of independence and pluralism,[35] UHRC should be facilitated enough to have infrastructure that is suited to the smooth running of its activities; and in particular adequate funding. The purpose of availing adequate funding in line with the Paris Principles is to enable UHRC have its own staff and premises, in order to be independent of Government and not be subject to financial control which might affect its independence.[36]

Basing on the foregoing, there is urgent need for Government to provide adequate financial, human and technical resources to enable UHRC operate effectively. Table 4.4 below provides a summary of funding by GoU over the last four years plus the FY 2014/15, indicating the funding gaps that keep fluctuating. This is a reflection of human rights needs that are not static and which should therefore be addressed in each FY as stipulated in the UHRC strategic investment plan.

4.4.2 Challenges associated with reliance on donor funding from development partners

Changing priorities of development partners, different reporting periods and timing of releases have not been consistent with the UHRC planning processes. This has posed challenges in aligning UHRC budgets, work plans and reporting processes to GoU planning, budgeting and reporting cycles. In addition, reliance on development partners has been characterised by delayed conclusion of financing agreements. This has in most cases resulted in a lot of uncertainties with negative implications on planning and implementation of activities.

Table 4.4 Government of Uganda funding over the last five financial years

DESCRIPTION	FINANCIAL YEAR 2010/2011			FINANCIAL YEAR 2011/2012			FINANCIAL YEAR 2012/2013			FINANCIAL YEAR 2013/2014			FINANCIAL YEAR 2014/2015		
	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap
Wage	2.06	2.14	0	4.14	2.14	2	6.71	2.14	4.57	3.59	3.59	0	3.59	3.59	0
Non-wage	5.33	2.98	2.35	5.53	2.97	2.56	16.07	5.95	10.12	7.47	5.95	1.52	8.06	5.95	2.47
Domestic development	2.68	2.05	0.63	2.72	2.01	0.71	0.65	0.14	0.51	0.14	0.14	0	0.14	0.14	0
Taxes on machinery and equipment	0	0.1	0.1	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Total	10.1	7.27	3.1	12.49	7.22	5.27	23.53	8.33	15.2	11.3	9.78	1.52	13.8	9.78	2.47

[34]Core human rights activities as directly derived from the UHRC functions stipulated in the Constitution of Uganda. They include: Investigation of complaints; settling human rights complaints through mediation, conciliation and tribunal hearings; visiting jails, prisons and places of detention; human rights education and awareness, research, documentation, constitution education, civic education; monitoring Government compliance with human rights instruments; compilation and submission of annual reports on the state of human rights in the country and other periodic and adhoc human rights reports among other activities.

[35]Section 2 of the UN Paris Principles, para 1.

[36] http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx last accessed on 11th February 2015.

Figure 4.1: Government of Uganda funding over the last four financial years and 2014/2015

4.4.3 Funding from development partners

In the FY 2013/14 UHRC received funds from five development partners. UHRC received UGX 1.99 billion[37] from DGF; UGX 0.45 billion from UNDP; UGX 0.12 billion from German Agency for International Cooperation (GIZ); UGX 0.12 billion from United Nations Office of the High Commissioner for Human Rights (UN OHCHR) and UGX 1.1 billion from Danish International Development Agency (DANIDA). UHRC also received UGX 0.66 billion from JLOS through the sector wide approach to development.

Financial resources from JLOS and DGF were spent on the day-to-day activities of promotion and protection of human rights namely: the UHRC tribunal, complaint investigations, human rights barazas, and sensitisation activities, human rights advocacy, publications and other stakeholder engagements at international, regional and national levels. GIZ supported activities aimed at building the capacity of UHRC in the promotion and protection of human rights of vulnerable persons particularly women and children while UNOHCHR supported capacity building of UHRC to effectively carry out its mandate.

DANIDA funded a special project for the dissemination and popularisation of the Anti-Torture Act 2012. The 18-month project started in January 2014. The UNDP project supported UHRC interventions under the three strategic areas that are paramount to achieving the goals of the GoU under PRDP2 namely: Community security, access to justice and social cohesion in Northern Uganda. Table 4.5 below provides a summary of the funding from development partners over the last four years and FY 2014/15.

[37]DGF changed the funding period from financial year to calendar year. The total amount of the Memorandum of Understanding (MoU) covering the period 1st February 2014 to December 2014 was UGX 3.98 billion. The MoU therefore covered the second half of 2013/2014 and the first half of 2014/2015 financial years, hence the UGX 1.99 billion in the text and Table 4.2 below.

Table 4.5: External financial support to UHRC

Development Partner	Financial year 2010/2011	Financial year 2011/2012	Financial year 2012/2013	Financial year 2013/2014	Financial Year 2014/2015
Basket fund	3.02	2.20	0	0	0
Democratic Governance Facility (DGF)	0	0	2.7	1.99	1.99
UNHCR	0.13	0.20	0	0	0
UN-OHCHR	0.19	0	0	0.06	0
UNAIDS	0.06	0	0	0	0
UNDP	0	1.08	0	0.45	0
DANIDA	0	0	0	0	1.1
Association for the Prevention of Torture (APT)	0.03	0	0	0	0
German Agency for International Cooperation (GIZ)	0	0	0.05	0.12	0
JLOS SWAP Funds	0.66	0.61	0.83	0.66	1.65
Total	**4.09**	**4.09**	**3.58**	**3.28**	**4.74**

Figure 4.2: External Financial Support to UHRC

4.5 INTERNATIONAL, REGIONAL AND NATIONAL ENGAGEMENTS

UHRC has a working relationship with a number of stakeholders at international, regional and national levels such as the Network of the African Human Rights Institutions, International Coordinating Committee of National Human Rights Institutions and various expert groups. These engagements are critical for UHRC to develop its institutional capacity, strengthen partnerships and create strategic alliances to effectively carry out its mandate. In the period under review, UHRC participated in such engagements covering thematic areas of critical importance to it as a National Human Rights Institution. The engagements focused on areas such as gender and peace; improving HIV service in prison settings; prevention and eradication of torture; reprisals after detention monitoring; effective public financial management; international human rights mechanisms; transitional justice; peace and reconciliation; smart Government and building a secure environment for responsible investment. (Refer to Annex 8 for the details on the engagements).

4.6 CHALLENGES

1. The inability of UHRC to deliver services to all the grass roots due to its inadequate presence in the districts and the limited transport and logistics to reach out to where the masses are, sometimes very far away from where UHRC offices are located or hard-to reach.

2. Few regional offices which are spread thinly making it very difficult for people from some districts to access UHRC services.

3. The recurrent challenge of inadequate financial resources which has resulted into heavy reliance on development partners for implementation of core functions of protection and promotion of human rights.

4.7 RECOMMENDATIONS

1. Ministry of Finance, Planning and Economic Development should fully fund the Uganda Human Rights Commission to avoid the persistent challenges associated with over reliance on external financial support.

2. Ministry of Finance, Planning and Economic Development should raise the non-wage and wage Medium Term Expenditure Framework ceilings to enable Uganda Human Rights Commission meet its contractual obligations to staff and fully pay the outstanding arrears as well as pay a competitive wage to its staff.

3. Ministry of Public Service should review and approve the new staff structure to enable Uganda Human Rights Commission improve on its staffing levels.

4. Ministry of Finance, Planning and Economic Development should provide adequate Capital Development to enable Uganda Human Rights Commission establish more regional offices as well as procure vehicles for regional offices and speed boats for Kalangala and Buvuma Islands.s.

4.8 CONCLUSION

The task of protection and promotion of human rights is enormous and requires adequate financial, technical and human resources for UHRC to reach all the people and be relevant in their development and wellbeing. The Government is obliged to allocate sufficient financial resources to UHRC to address the most pressing challenges hampering operations and consequently effective service delivery.

CHAPTER 5

EMERGING HUMAN RIGHTS CONCERNS

5 INTRODUCTION

The UHRC took note of certain occurrences in 2014 that raised pertinent human rights concerns. Some of these human rights issues emerged in the period under review although others were recurrent concerns which had been flagged in the previous annual reports but had persisted. In this Chapter the UHRC is putting the spotlight on those human rights issues; raising the red flag so that the relevant actors can take them up; study them comprehensively; and expeditiously act to address them. The human rights standards and the legal framework relevant to each specific emerging issue raised are highlighted as the basis of the obligations that Government has to tackle it.

The emerging human rights concerns flagged are: Early warning in preparation of the 2016 general elections; the forced evictions by Kampala Capital City Authority and Uganda Wildlife Authority; the floods, hailstorms and road traffic accidents; violence against children in schools; the working environment of human rights defenders in Uganda; and the situation of refugees in West Nile and Western Uganda.

5.1 EARLY WARNING IN PREPARATION FOR THE 2016 GENERAL ELECTIONS

Ugandans will be going to the polls in early 2016 and preparations started in 2014. The Electoral Commission issued a road map which was being implemented. Political parties and individuals were already positioning to compete in the forthcoming general elections. This section focuses on the early warning signs of issues that could affect free and fair elections or lead to violence as well as the critical areas that should be addressed way before the polls take place in order to ensure peaceful, transparent, free and fair elections.

Early warning generally refers to the "systematic collection and analysis of information coming from areas of potential crises for the purpose of: a) anticipating violence; b) the development of strategic responses to these crises; and c) the presentation of options to critical actors for the purposes of decision-making"[38]. Early warning in the context of the forthcoming elections should help prevent election-related violence and focus on the preparedness of all actors involved.

Early warning is a major element of disaster risk reduction as it helps in preventing loss of lives and reducing or mitigating impact through focusing on communities at risk, facilitating public education and awareness of risks, effectively disseminating messages and warnings and ensuring there is constant state of preparedness.

UHRC recognises that Uganda has committed itself to genuine periodic elections which are an essential element in ensuring accountability of representatives in the way they exercise legislative and executive

[38] Forum on Early Warning and Early Response, 1997 as quoted in A. Schmid, Thesaurus and Glossary of Early Warning and Conflict Prevention Terms (abridged version), Synthesis Foundation, 1998, 13

powers vested in them. It is worth noting that elections have so far been held regularly ensuring that the authority of Government continues to be based on the free expression of the will of Ugandans.

5.1.2 Legal Framework

The right to vote and elect representatives is enshrined in all major international,[39] regional[40] and national[41] human rights instruments. The special significance of this right is in ensuring that authority and responsibility of running state affairs is shared by all the citizens as a way of promoting sustainable development.

The right to vote is closely linked to freedoms of assembly, association and expression. This interconnectedness[42] means that any infringement on the other rights mentioned, directly affects the right to vote. Article 21 of the Universal Declaration lays down the right of people to participate in Government and enjoy universal suffrage. It stipulates that the will of the people shall be the basis of the authority of Government and that this 'will' shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures[43]. This right is also expressly recognised in the Constitution of Uganda under Articles 38(1) and 59 as well as in some Acts[44] of Parliament.

During the Universal Periodic Review (UPR) of Uganda on 11th October 2011 some recommendations urged Uganda to respect, protect and promote freedoms of expression and assembly, including amendment of laws that are contrary to treaty obligations. Uganda was also urged to undertake legislative reforms to protect and promote freedoms of expression and peaceful assemblies and associations. In addition Uganda was urged to ensure the independence of democratic institutions; and in particular, make the Electoral Commission (EC) appointment process more consultative.

5.1.3 Issues to consider in 2016 General Elections

5.1.3.1 Timely roadmap of the Electoral Commission

The EC released its roadmap on 7th May 2013, almost three years ahead of the 2016 general election which is commendable. The EC Strategic Plan 2013-2017 spells out key areas with corresponding budgets which will facilitate the organisation of free and fair elections.

These are: Putting in place an accurate and accessible national voters' register that is credible; facilitating comprehensive and effective voter education; undertaking the necessary structural and legal measures to ensure free and fair elections; and strengthening the EC to be inclusive and service-oriented. The Strategic Plan will also help the EC to avoid past challenges.

The roadmap requires UGX 1.2 trillion if it is to be fully implemented which the EC staggered over the three year period. EC budgeted for UGX 172 billion in the FY 2013/14, UGX 215 billion in the FY 2014/15, UGX 552 billion in the FY 2015/16 and UGX 180 billion for the FY 2016/17. The UHRC acknowledges the increasing budgetary allocations to the EC over the years although this is still insufficient for the EC to implement its roadmap.

[39] Article 25 of the ICCPR

[40] Article 13 of the ACHPR.

[41] n 27 above, Articles 38 and 59.

[42] The Vienna Declaration and Programme of Action, 1993 emphasized the principle of the interconnectedness of human rights

[43] http://www.un.org/Overview/rights.html Universal Declaration of Human Rights, art 21 GA Res 217 (III), UN GAOR, 3rd Sess., Supp. No. 14, UN Doc. A/810 (1948),

[44] The Presidential Elections Act (2005), The Parliamentary Elections Act (2005), The Local Governments Act (1997), The Political Parties and Organizations Act (2005) and Electoral Commission Act, CAP 140.

5.1.3.2 Upholding the right to vote

Uganda has constitutionally guaranteed the right of its citizens to vote. The Constitution of Uganda not only provides for the right of citizens to vote for constitutionally defined electoral positions, but also guarantees universal adult suffrage at every level of Government, save elections for special interest groups such as the army, the youth and persons with disabilities (PWDs).

With the return to multiparty democracy in Uganda, the EC needs to pick interest in issues of internal democracy within the political parties especially the aspect of party primaries. These processes if not well managed can have an impact on the general elections.

5.1.3.3 Relevance of the national identity card registration

Uganda is under obligation to put in place effective measures to ensure that all persons entitled to vote are able to; including facilitating registrations, removing obstacles to registration and safeguarding any interference with registration or voting as well as intimidation or coercion of voters. A National Identity Card (ID) Registration exercise took place country-wide between 14th April 2014 and 12th January 2015. The data collected during the national ID registration exercise will after review be utilised by the EC as a national voters' register during elections. The data captured will by law serve as a reference point for the voters' register after the Registration of Persons Bill 2014 which is pending before Parliament is enacted. (Currently Registration of Persons Act 2015)

UHRC monitored the national ID registration exercise which on the whole was reported successful. A case in point was Bukomansimbi district which UHRC monitored in December 2014 and was informed by the Ministry of Internal Affairs (MoIA) officials that by 30th November, 2014, 63,790 people of the targeted 72,272- (90.5%) based on the UBOS population statistics, had been captured. Most of them were 16 years old or about to attain 16 years of age. In Kalungu District, out of the estimated number of 80,000 people who were targeted for registration, 50,000 had registered by the time of the UHRC monitoring visit in early December 2014.

The National ID project would be useful in identifying Ugandan citizens who were 16 years and above and this information will be handy during the forthcoming elections with regard to proper identification of voters and preventing multiple and/or underage voting. The review of the ID should help to produce a clean voter's register for the 2016 general elections; in addition to its primary function of authenticating citizenship especially where identification is important. For example at immigration, public payroll, pensions, social security, land titles, court records, crime prevention and financial-related transactions. If well managed, the registration for National IDs, would make it impossible for an individual to register more than once or for an under-age person to register as a voter because a person's picture, names, bio-metric details and fingerprints are stored in the computers central memory.

The use of National IDs to supplement voter's cards is widely used in Rwanda and Burundi and has helped in curtailing some of the election-related malpractices.

5.1.4 Previous UHRC recommendations on Elections

UHRC monitored previous general elections in the country, especially those of 2006 and 2011. Arising out of the monitoring, UHRC made a number of recommendations which if implemented would help to ensure observance of human rights throughout the electoral process and facilitate the holding of credible, peaceful, free and fair elections. Some of the observations and recommendations made in the UHRC's 2011 Election Report after the 2011 general elections are still relevant if implemented before the forthcoming general elections.

1) Government considers reviewing the process of appointing members of the Electoral Commission so that there is greater consensus and acceptance of the appointees by members of the political opposition, civil society and the public.

2) Government considers the ratification of the African Charter on Democracy, Elections and Governance to ensure the conducting of credible, free and fair elections as a means of strengthening democracy and democratic institutions in Uganda and the promotion of human rights and good governance.

3) The Electoral Commission improves its electoral administration by, among other things, ensuring transparency, reviewing and updating the National Voter Register before the next elections, providing adequate polling materials for each polling station and ensuring adherence to the electoral legal framework.

4) The laws relating to elections be fully implemented in order to effectively regulate such matters as the use of state and Government resources by candidates during campaigns, campaign posters and materials at polling stations, and voter bribery, which among other election offences should be prosecuted.

5) All the laws relating to elections be reviewed before the next elections to ensure compliance with national, regional and international human rights standards and to enhance fairness and accountability during elections in Uganda.

6) Media houses make efforts to improve freedom of speech and equal access to the media by all political parties and candidates.

7) Government adequately facilitates UHRC and the Electoral Commission to carry our Civic and Voter Education respectively before elections.

8) The Electoral Commission should together with the Uganda Police Force ensure that there is sufficient security to avoid unlawful interruption of the electoral process.

With barely a year to the 2016 general elections, most of UHRC's recommendations have not been implemented. UHRC therefore urges Government and the institutions to which recommendations were made to fully implement them.

5.1.5 Key Areas of Concern

5.1.5.1 Effects of the shortcomings in the National ID Registration exercise on the upcoming elections

There is still some confusion within the public and political actors on how exactly the data captured during the National ID Registration exercise will be used for the National Voters Register; with some assuming that the ID register will automatically transform into the voters register. The EC needs to sensitise the public about this linkage.

The Registration of Persons Bill 2014 (currently Registration of Persons Act 2015) makes registration mandatory for citizens of Uganda who are resident in or outside Uganda; as well as alien residents issued with a permit, certificate or pass under the Uganda Citizenship and Immigration Control Act.

According to the proposed law, production of a national identification number or national identification cards will be mandatory for any person seeking employment, identification as a voter, application/issuance of passport, opening bank accounts and purchasing of insurance policies. The Registration of Persons Bill 2014 proposes punishment for a person convicted of failure to register of a fine not exceeding UGX 960, 000 or imprisonment for a period not exceeding three years, or both.

The National ID registration exercise was faced with a number of challenges which are likely to negatively impact on the National Voters Register and consequently affect some people's participation in the forthcoming elections.

Some of these challenges include;

a) Alleged registration of non-Ugandans which is likely to be a source of conflict at the time of voting. UHRC received reports relating to allegations of non-Ugandans registering during the National ID registration exercise. For example at Bigasa Sub County, Bukomansimbi District, UHRC was informed that non-citizens were allegedly bribing some Local Council officials to obtain letters of identification so as to be registered. In Rwabenge Sub County, Kalungu District there were reports of several foreigners of Rwandan and Tanzanian origin having been registered.

b) Lack of facilitation to conduct outreaches. At sub county registration centres such as Kitanda and Bigasa, UHRC was informed that sensitisation about the registration exercise was ineffective or minimal which led to the low turn up while some people did not appreciate the exercise. This was so because sensitisation was conducted at sub county and parish levels mainly in the first phase while the Local Councils that are directly connected to the people had very little participation. In Bukomansimbi District, outreaches were supposed to be conducted in villages and then one registration Centre would be at the sub county. There were supposed to be other centres (mobile) to reach the vulnerable people and those far from the registration centres. However, the mobile centres were not implemented due to financial constraints.

c) Stigma facing PWDs as their guardians did not want to expose them to the public. At Kitanda and Kibinge registration centres, UHRC was informed by enrolment officers that several vulnerable people had not been reached or registered since they were unable to access them as there was no facilitation to enable them reach the village level.

Given a number of challenges that were faced during the National ID Registration Exercise, the Registration of Persons Bill 2014 should address the gaps and concerns regarding easy access to the registration structure by all Ugandans, more especially the sick, PWDs, and the elderly.

5.1.5.2 Failure to register inmates

Prisoners in the country were not allowed to register and there was no mechanism in place for their registration. In this regard, prisoners could not fulfil their duty to register as citizens of Uganda since no arrangements were made for enrolment officers to reach them.

Yet one of the major objectives of the National ID registration exercise was to help create a national reference data bank of all citizens who benefit from sectors and agencies of Government, including inmates and their crime history. The failure to register inmates was a lost opportunity for Government to capture data relating to crime and offenders.

The people on remand, who are the majority in prison and whose guilt or innocence had not been determined were in the process also denied the opportunity to register. Meanwhile, some of them were released just after the close of the national ID registration exercise.

Much as the right to register and vote can have limitations, disenfranchising inmates is in itself a human rights violation.

There was no basis in law to deny inmates the right to register. In fact it was a breach of the constitutional provision that bestows a duty on Ugandans to register. Denying prisoners the right to register meant that they were automatically denied the right to vote. The Supreme Court of Canada observed the following regarding the issue of the restrictions on the right of prisoners to vote:

"A Government that restricts the franchise to a select portion of citizens is a Government that weakens its ability to function as the legitimate representative of the excluded citizen, jeopardizes its claim to representative democracy, and erodes the basis of its right to convict and punish lawbreakers." [45]

5.1.5.3 Restrictive laws

The Penal Code Act, Cap 120 still has some sections, mainly inherited from the colonial administration but which have no place in modern democracies as they infringe on people's rights. Such laws are inconsistent with the ideals of liberty in a free and democratic society and directly affect freedom of speech expression, including freedom of the press and other media, which are crucial for a healthy competitive contest for political office.

For example, Sections 179 – 186 of the Act deal with what is called defamation. This involves the publication of among others information that is likely to injure the reputation of any person by exposing him or her to "hatred, contempt or ridicule," or likely to damage any person in his profession or trade. It is immaterial whether at the time of the defamatory matter the person who was allegedly defamed was living or dead.

Other outdated and restrictive penal provisions such as the offences of common nuisance, idle and disorderly and rogue and vagabonds also negatively impact on the enjoyment of human rights and freedoms.[46]

5.1.5.4 Civic and voter education

Civic and voter education which is important for creating an informed citizenry, has not been embarked on. In Uganda, Civic Education is the responsibility of UHRC while voter education is the responsibility of the EC. These institutions are complemented by other Government agencies and civil society organisations. UHRC has tried to provide civic education; but with the recurrent challenge of resource constraints, it has not been able to conduct comprehensive, continuous and country-wide civic education programmes. Civic education is critical as it empowers people with knowledge about their right and duty to vote and why they should exercise it.

An informed, effective, and responsible citizenry is a pillar in a democracy, while the opposite can be a danger to progress in whatever arena as well as an impediment to sustainable development. Inadequate civic education therefore be a prime concern of all stakeholders in the elections; both duty bearers and rights holders.

It is imperative therefore, that leaders, development partners, educators, policymakers, and members of civil society make a case for civic education.

5.1.5.5 Voter apathy

Uganda has over the years experienced reductions in the number of people who turn up to vote during elections. For instance, in the general elections of 2006, official figures indicate that 68% of registered voters cast their ballots but that number dropped by nearly ten per cent in 2011. In 2011, only 8.2 million voters, about 14.5 million (56%) of all registered voters turned up to vote. Some voters have deliberately disenfranchised themselves by not casting their votes. This could be linked to insufficient civic and voter education or some Ugandans have lost interest in elections and do not see the importance of their vote. The increasing voter apathy should be of concern to all the leaders. More efforts need to be focused on raising people's interest to participate in elections.

[45] *Sauve V. Canada , 158 C.C.C. (3d) 449;* 2002, 19.

[46] Sections 160, 167 and 168 of the Penal Code Act.

5.1.5.6 Election-related violence

Although campaigns have not officially kicked off, individuals with ambitions to contest in the 2016 elections have been visibly active. Several political parties including NRM, FDC and DP, have held a number of meetings and have been able to move freely throughout the country. This could be attributed to the fact that political actors have been working closely with police while organising the meetings/rallies. There have been isolated incidents of violence but there are growing concerns about the possibility of violence increasing when campaigns officially kick off. Uganda's vast unemployed youth if not well handled could be exploited by different parties to engage in acts that are either violent or provoke violence. In the past electoral processes, some members of security agencies were cited in some cases of violence and there is need to have them trained in human rights.

The recruitment of crime preventers by the Uganda Police Force to report and identify crime at the local levels is another development which has to be managed properly and monitored keenly. They are ill-trained, yet given powers to do some police work.

If not properly trained and managed, crime preventers are likely to be another source of controversy even resulting into violence in the 2016 electoral process. In addition, although under the law police should cooperate with civilian authorities to maintain law and order, the legitimacy of crime preventers in the current circumstances is highly questionable.

5.1.5.7 Monetisation of politics

Drawing from the experience of the 2011 general elections where money was allegedly used to buy votes, the forthcoming general elections are likely to be highly monetised. This would negatively affect the right to vote as the choice of certain candidates is not out of free will but influenced by the money given. Ugandans witnessed inflation after the 2011 elections and the economy was affected by the money that was pumped in the economy during the elections.[47] Reports indicate that some political actors are already using money in positioning themselves for the 2016 elections, a situation likely to get worse during the campaign period if it is not checked.

5.1.5.8 Delayed electoral reforms

In order to pave way for free and fair elections, a number of stakeholders, including Government have proposed electoral reforms. Government, through the Ministry of Justice and Constitutional Affairs, has already called for proposals from the public for electoral reforms. Cabinet is also considering amending the 1995 Constitution to provide for an independent EC, stipulate grounds for recalling Members of Parliament and give more statutory powers to the President. However, these amendments have delayed and could be effected when it is too late for them to have any meaningful impact on the elections.

Electoral reforms should also be considered for amendment of some laws such as the Press and Journalist Act, the Electronic Media Act, and the Penal Code Act on some of the sections that negatively affect the enjoyment of freedom of expression and media freedom.

The EC has indicated that electoral reforms would have more impact if they are passed two years to the election day. The EC, for example, has challenges in developing messages for voter education in the absence of the electoral laws that will regulate the 2016 elections. The law enforcement agencies require adequate time to access the laws and ensure they are internalised by all involved in policing the elections. Absence of information on electoral laws that will be applied during the specific elections affects the capacity of the EC to plan and deliver credible, free and fair elections.

[47] I.M Ladi, 'Mutebile: Bank of Uganda will not print money for 2016 polls' Daily Monitor Monday 1 December 2014. http://www.monitor.co.ug Last accessed 4 March 2015.

5.1.5.9 Creation of new constituencies

The EC is mandated under Article 61 of the Constitution of Uganda to among other functions demarcate constituencies in accordance with the provisions of the Constitution. According to its strategic plan 2013-2017, the EC had planned to have completed the implementation of Geographical Information System (GIS) for easier delimitation of constituencies mapping and reorganisation of polling stations by February 2015. This was against the assumption that there would be no new constituencies created after July 2014. However, there have been indications from Government that new constituencies will be created for those areas with high populations.

It is the function of the EC to demarcate new constituencies, on the principle that the number of inhabitants should be equal to the population quota.[48] Article 63 (1) of the Constitution provides that Uganda shall be divided into as many constituencies for the purpose of election of MPs as Parliament may prescribe; and each constituency shall be represented by one MP.

The EC has been relying on creation of administrative units to serve as new constituencies, which has at times affected equality of the vote. Late creation of constituencies in form of administrative units affects the effectiveness of the EC.

5.1.5.10 Code of conduct and the national consultative forum for Political Parties and organisations

Article 71(2) of the Constitution of Uganda requires that a code of conduct and national consultative forum be put in place to regulate the conduct of political parties and organisations in the country and handle major issues affecting them respectively. These two mechanisms need to be urgently put in place to deal with any eventualities related to the elections and to mitigate potential sources of election-related violence.

5.1.5.11 Role of the media

The media are a key source of information during electoral periods. They can also facilitate free and fair elections and rally for the cause of peaceful elections as was the case in the 2013 Kenya General Elections where, in a volatile situation, they mobilised the country to choose peace. However, the media must be perceived as credible and objective and must be responsible. Experience has shown the potential of the media to get consumed in the divisive politics and could play a counterproductive role. Much as in Uganda, the law obliges the Uganda Broadcasting Corporation (UBC) to act as a public service broadcaster during the election, or any other period, there is still need to put in place clear monitoring and enforcement mechanism to guarantee impartiality and balance in the programming of UBC throughout the election period.

5.1.6 Recommendations

1. Cabinet and Parliament should fast track the amendment and enactment of electoral laws relating to registration of voters, treatment of candidates, campaigning, polling, counting, transmitting, tallying and announcement of results among others so that the Electoral Commission can do its work in time.

2. Parliament and Ministry of Justice and Constitutional Affairs should undertake necessary electoral reforms in good time in consultation with other stakeholders such as Civil Society Organisations and political parties and organisations.

[48] n 41 above, Article 63(3). The population quota is the number obtained by dividing the number of inhabitants of Uganda by the number of constituencies into which Uganda is to be divided.

3. Government through the Parliament should urgently enact a law to effectively regulate campaign funding and empower the Electoral Commission to strictly monitor and enforce it.
4. Government through the Ministry of Finance, Planning and Economic Development should provide funding for political parties as well as full enforcement of the financing regulations established by the Political Parties Organisation Act (2005) in order to address the recent trends of monetisation elections.
5. Ministry of Finance, Planning and Economic Development should provide sufficient funds to Uganda Human Rights Commission and the Electoral Commission to effectively carryout civic and voter education.
6. Electoral Commission should train journalists from all media houses on conflict-sensitive reporting so that they can remain responsible even as they operate in the conflict-prone situation of elections.
7. Media practitioners should adhere to professionalism and responsible reporting practices.
8. Political Parties/candidates should cooperate with and work closely with the Electoral Commission police and other law enforcement agencies during the electoral process to ensure peaceful campaign meetings/rallies.
9. Ugandan citizens must fulfil their duties and responsibilities relating to elections including participating in all electoral processes like registration, nominations, campaigns, voting and maintaining peace.
10. Ministry of Internal Affairs and Ministry of Defence should strengthen the capacity of security agencies through among others, training to enable them effectively enforce the law.

5.2 HUMAN RIGHTS CONCERNS ARISING FROM FORCED EVICTIONS BY KAMPALA CAPITAL CITY AUTHORITY (KCCA) AND UGANDA WILDLIFE AUTHORITY (UWA)

UHRC observed from various media reports, monitoring visits, participation in community meetings and complaints received during the year 2014, that the forced evictions by Kampala Capital City Authority (KCCA) and Uganda Wildlife Authority (UWA) were raising serious human rights concerns.

Forced evictions have been defined by the UN[49] as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection and the UN Guidelines therefore prohibit forced evictions. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.[50]

Over the past two decades, Kampala city degenerated to a level where shanty structures were erected on road reserves; taxi parks became markets and pavements became trading areas, among other unplanned and unauthorised activities. Such developments resulted into obstruction of public areas to the inconvenience of others, making it hard to maintain order in the city, while aggravating congestion.[51] Consequently, in an effort to restore order in Kampala city, KCCA has since inception carried out a number of evictions to remove illegal structures and clear the streets of vendors and hawkers in order to create space for widening roads; restoring planned drainage systems; and beautifying the city.[52]

[49] UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: http://www.refworld.org/docid/47a70799d.html Last accessed 10 February 2015.

[50] As above

[51] M. Okua, Director Legal Affairs 'Human Rights Concerns arising from KCCA Evictions in 2014,' Presentation on behalf of KCCA Executive Director at the UHRC 17th Annual Report Consultative Meeting held at the Speke Resort Munyonyo on 27 & 28 January 2015.

[52] As above.

UWA, on the other hand, has over the years grappled with human encroachment on wildlife habitats as one of the biggest challenges in the management and conservation of wildlife and biodiversity in Uganda. In protecting conservation areas, UWA also faces challenges such as the killing of wild animals, poaching, hostility towards game rangers/managers and failure by the community or individuals to manage and utilise land in an environmentally sound manner and in accordance with provisions of the various laws.[53] UWA is therefore legally mandated to regulate and enforce the management and protection of gazetted conservation areas. It has powers to ensure that communities living near conservation areas comply with guidelines and do not engage in unlawful acts.[54]

Forced evictions can be justifiable, as in the case of persistent non-payment of rent or of damage to rented property without any reasonable cause and unlawful occupancy of land. However, it is incumbent upon the state or its agents to ensure that they are carried out in a manner warranted by law, which is compatible with international, regional and national human rights standards and that all the legal recourses and remedies are available to those affected.

This section highlights the standards and the legal framework related to forced evictions; as well as the law enforcement mandates of KCCA and UWA. It also highlights some of the issues prompting KCCA and UWA to carry out forced evictions; the human rights concerns they are raising; the challenges faced by both institutions; and the necessary recommendations.

5.2.1 The Legal framework on forced evictions

The obligation of States to refrain from, and to protect against forced evictions of individuals from home(s) and land is enshrined in several international, regional and national legal instruments. The right to protection against unlawful forced evictions is derived from the right to adequate housing, which is enshrined in Article 25 (1) of the Universal Declaration, Article 11 of the CESCR and Article 17 of the ICCPR. The UN Committee on ESCR has pronounced forced eviction to be a prima facie violation of the right to adequate housing, and justifiable only in the most exceptional circumstances, and only when done in accordance with the relevant principles of international law.[55]

The ACHPR adopted a resolution urging all States Parties to take appropriate steps to ensure respect, protection and realisation of the right to adequate housing, in particular by putting an end to all forms of forced evictions and ensuring that evictions are only carried out as a last resort. The ACHPR resolution also urges states to ensure that all evictions comply with international and regional standards[56].

Article 26 (1) of the Constitution of Uganda guarantees the right to property, while Article 26(2) provides for protection of individuals' right to own property and conditions under which deprivation of property may be allowed. It also provides that compulsory deprivation of property should only be done within the law; in public interest; ensure prompt and fair compensation prior to taking possession of the property and guarantees the victim the right to legal redress.[57] Article 20 (2) requires that the rights and freedoms of the individual or groups in the Constitution be respected, upheld and promoted by all organs and agencies of Government and by all persons. Furthermore, Article 221 of the Constitution requires security organisations to observe and respect human rights and freedoms in the performance of their functions.

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[53] A. Luzinda, Legal Officer UWA 'Human Rights Concerns arising from UWA Evictions in 2014,' A Presentation made at the UHRC 17th Annual Report Consultative Meeting held at the Speke Resort Munyonyo on 27 & 28 January 2015.

[54] Section 19 (2) and Section 21 of the Uganda Wildlife Act Cap 200.

[55] n.50 above

[56] http://www.achpr.org/sessions/52nd/resolutions/231/ Resolution on the right to adequate housing and protection from forced evictions by The African Commission on Human and Peoples' Rights (the Commission) meeting at its 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d'Ivoire.

[57] n 48 above, Article 26.

Legislation such as the Land Acquisition Act, 2000; the Land Act of 2004[58] and the Physical Planning Act 2010 also outline the circumstances under which Government is granted powers to acquire land in public interest.

The United Nations Guidelines on Forced Evictions are a significant reference aimed at assisting States and international community in developing policies and legislations to address forced evictions.[59] The UN Special Rapporteur on Adequate Housing developed the Basic Principles and Guidelines on Development-based Evictions and Displacement which were formally acknowledged by the UN Human Rights Council as the UN Guidelines in December 2007. The UN Guidelines on forced evictions set duties and obligations and provided a point of reference for the state or its agents as duty bearers to follow before, during and after evictions.

The UN Guidelines provide for the following:

1) Prior to eviction, the state or its agent have the obligation to involve all persons affected by giving appropriate notice; reasonable time for people to plan their departure and ensuring effective dissemination of information on ownership, land titles and the proposed development projects.

2) The state or its agent provides opportunities for dialogue, legal representation and alternatives to the affected persons if available.

3) Evictions should not result into persons being rendered homeless.

The state or its agent should ensure that evictions must not be carried out in a manner that violates the rights and dignity of the people; must not take place in bad weather, at night, on holidays, during elections or school examinations; must avoid violence and the use of force must be legal and conform to acceptable standards such as the force being necessary, proportional and reasonable.

4) Where forced eviction is unavoidable, compensation must be fair and just.60

5) Key obligations for states or their agents to fulfil; particularly to ensure participation of affected persons in the issues affecting them; after the eviction to provide relief by ensuring that the affected persons have basic housing, clothing, food, medicine and provisions for their animals among other basic requirements; and to provide alternative sites for re settlement as well as remedies for those affected.61

Owing to the indivisibility of human rights, forced evictions in addition to violation of the right to adequate housing, frequently violate a range of other rights like life, security of the person, non-interference with privacy, family and home and to the peaceful enjoyment of possessions, among others.

5.2.2 The mandate of Kampala Capital City Authority in law enforcement

KCCA came into existence in 2011 as a body corporate created by the KCCA Act, 2010 in accordance with Article 5 of the Constitution. It replaced the former Kampala City Council (KCC) that had been created under the Uganda Local Governments Act of 1997. [62]KCCA is charged with management of Kampala city on behalf of the central Government and among others is mandated to carry out law enforcement in order to assist in the maintenance of law and order and security in the city.

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[59]The Basic Principles and Guidelines on Development-Based Evictions and Displacement; contained in Annex I of the report of the Special Rapporteur, A/HRC/4/18: Human Rights Council Resolution 6/27, A/HRC/6/L.11/Add.1, 19 December 2007. Available at: http://ap.ohchr.org/documents/E/HRC/resolutions/A_ HRC_RES_6_27.pdf.

[60]UN Guidelines on Eviction, 48.

[61]As above 25 and 26.

[62]G. K. Karyeija & S. B. Kyokairwe, 'Organizational Puzzles of Agencification: A Kampala City Council case,' Uganda Management Institute Kampala, Uganda, 2012.

The regulatory and enforcement function of KCCA draws its legal mandate from Section 8 of the KCCA Act, 2010 which gives it powers to prohibit, restrict, regulate, license or prohibit hawking of wares; erection of stalls on the streets; street vending and roadside trade, business or profession among other provisions. In carrying out its law enforcement function, the KCCA Act under Section 26 (1) gives KCCA powers to have a Metropolitan Police Force for the Capital City. However, KCCA currently has a law enforcement unit to enforce its regulatory function.[63]

5.2.3 The mandate of Uganda Wildlife Authority in law enforcement

UWA is a semi-autonomous Government agency established after the merger of the Uganda National Parks and Game Department. UWA was established under the Uganda Wildlife Act Cap 200 of 2000, and has the mandate to govern wildlife in Uganda including developing policies and enforcing laws relating to the management of wildlife in the ten national parks; twelve wildlife reserves; five community wildlife management areas and thirteen wildlife sanctuaries.[64] UWA regulates and enforces the management and protection of gazetted conservation areas and has powers to ensure that communities living near conservation areas comply with the law and other guidelines.

It ensures sustainable management of wildlife resources and supervises wildlife activities in Uganda both within and outside the protected areas by conserving the country's natural heritage, which includes animals, plants, natural features and the ecosystems in general. It ensures the sustainable utilisation of wildlife by and for the benefit of the communities living in proximity to wildlife and to control and monitor industrial and mining developments in wildlife protected areas.[65]

Within its mandate UWA implements provisions which recognise individuals with historic rights who were residing in the game reserve area before the enactment of the game reserve laws and those exempted by the Minister. UWA has powers to issue wildlife use rights to communities living in or around conservation areas for hunting, farming; ranching; trading in wildlife products; using wild life for education and general extraction and enforce penalties for offences.[66]

5.2.4 Factors leading to forced evictions by KCCA

Kampala city is currently overwhelmed by the challenges of a growing population and an accelerated rate of rural-urban migration. The city is grappling with: The effects of high levels of poverty among the majority dwellers thus many services are beyond reach; the lack of facilities and available land; a bad land tenure system; lack of enforcement capacity and tools; reported politicisation of programmes in the city; the lack of alternative employment for illegal hawkers and alternative shelter for residents in wetlands; traffic congestion and lack of public transportation among many other challenges. [67]KCCA has since 2011 embarked on the transformation of the city involving prioritising infrastructure improvement, public health and sanitation and trade and order enforcement areas aimed at restoring sanity and uplifting the image of the city.

According to KCCA, forced evictions in Kampala city have been largely prompted by the urgent need for the restoration of planned order, aimed at directing and influencing infrastructure investment; public and green spaces; movement of goods and services; human settlements and economic engagement.[68]

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[63]KCCA Ministerial Policy Statement, 2014/15.

[64]P. Magelah (Advocate/Researcher); ACODE, 'Human Rights Concerns arising from Execution of mandates of UWA and KCCA : CSO Perspective,' A Presentation at UHRC 17th Annual Report Consultative meetingheld at Speke Hotel Munyonyo, on January 27 & 28 2014 at Speke Resort Munyonyo on 27 & 28 January 2015.

[65]n 54 above, Section 5 (a)-(d).

[66]As above.

[67]As above, 2 & 3.

[68]Kampala Capital City Authority Ministerial Policy Statement FY 2014/15.

In spite of a legal framework that gives it powers to regulate activities in the city, KCCA was often confronted with widespread non-compliance. Consequently it carried out a number of evictions and removed illegal structures to clear the streets of vendors and hawkers in order to create space for road widening; restoring planned drainage systems and beautifying the city.[69]

5.2.5 Factors leading to forced evictions by UWA

UWA was struggling with human encroachment on wildlife habitats commonly caused by changes in land use and increasing search for farmland as a result of population growth. UHRC received some complaints against UWA by communities in conservation areas who alleged various human rights violations during forced evictions by UWA for alleged encroachment on wildlife reserve areas in Loporokocho and Kukumai in Pian Upe and Bokora parish of Karamoja as well as East Madi Wildlife Reserve in Moyo district.

Other cases of forced evictions by UWA were intended to remove alleged encroachers, who claim to be in possession of certificates of title for the disputed land. Such cases were reported to be pending in courts of law. A case in point was the dispute over claims of historical ownership of land in Karuma Wildlife Reserve in the areas of Pakanyi and Katonga Wildlife Reserve in the Byabasita and Kisororo Blocks.[70] Unclear boundaries were also reported to be the cause of forced evictions of alleged encroachers. Examples of this were in the disputed settlement areas such as Manafwa and Bulambuli districts in Mt Elgon National Park affecting about 1,000 people; the Mbwa Tract in Bwindi Impenetrable National Park and some of the land in Lake Mburo National Park claimed by private individuals.[71]Incidents of individuals or communities in or around conservation areas killing wild animals and poaching; as well as the hostility towards game rangers/managers have also been challenging.

UWA made attempts to tackle these challenges through placing patrols in all protected areas; arresting people who invade park land without permission from UWA and community participation programmes among other measures. However, UWA reported persistent non-compliance of communities with the provisions of the various laws governing the management and conservation of wildlife. This prompted UWA in some instances to carry out forceful evictions in order to remove illegal structures, settlements or plants from the conservation area.

5.2.6 Human rights concerns arising out of forced evictions by KCCA and UWA

UHRC observed that although KCCA and UWA independently carried out forced evictions in execution of their respective mandates, many of the reported consequences of forced evictions by both institutions were similar in nature. The UHRC, noted that many of the forced evictions carried out by KCCA and UWA in 2014 did not to a large extent comply with standards stipulated in the legal framework. Media reports, findings of UHRC monitoring visits and the complaints received revealed that incidents of of law enforcement officers using tear gas and rubber bullets were common.

The situation was exacerbated by the fact that the people most affected by forced eviction, were the poor; without formal title or legal recognition of the land which they occupied. Most of them would be often part of already disadvantaged groups like the indigenous people, women and particularly female headed households, persons with disabilities, older persons, persons with chronic illnesses, and the children or youth.[72] The UHRC subsequently raised a number of human rights concerns, some of which are mentioned below:

[69] n 52 above.

[70] n 53 above.

[71] As above.

[72] UN-Habitat report on Forced Evictions; Global Crisis, Global Solutions; A review of the Status of Forced Evictions Globally through the work of the Advisory Groupmon Forced Evictions, Report on Mission to Port Harcourt, 2009:33.

5.2.6.1 Loss and destruction of property

Most forced evictions by both KCCA and UWA were reported to have resulted into the destruction of the property of the affected communities as some of the incidents reported to UHRC or covered in the media indicate below:

1) Evictions in Wandegeya on 24th October 2014 in which KCCA razed down roadside kiosks, makeshift structures including garages and restaurants affecting over 200 traders. Graders and bulldozers were used to clear the roadsides which led to destruction and loss of the traders' merchandise.73 Although, a subject for further investigation, media reports indicated that the affected traders had accused KCCA of not giving them prior notice to vacate.

2) Evictions by KCCA on 28th July 2014 along the railway reserve land in Namuwongo, Kinawataka, Ndeeba and Nalukolongo in which homes and businesses were demolished affecting more than 40,000. Property including houses, household items, kiosks, makeshift business structures and merchandise74 was destroyed during the violent night evictions.

3) Night evictions by KCCA on 7th January 2014 in Nateete suburb, in which business stalls belonging to over 300 traders operating on the roadside outside Nateete Market were destroyed. The traders alleged that they lost over UGX 500 million worth of property mainly comprising of fresh vegetables, fish and other food stuffs.75

4) There were also evictions carried out in bad weather. This was the case in Kamwokya were evictions were carried out when it was raining.

5) UWA forced evictions among communities neighbouring the Kidepo Valley, Mt Elgon and Murchison Falls National Parks reportedly resulting into destruction and loss of property for the affected individuals. They were reported to UHRC as complaints against UWA law enforcement officers in addition to concerns raised during UHRC monitoring visits and outreach community meetings in Moroto, Soroti and Hoima regions. Rampant forced evictions by UWA in the Karamoja sub region owing to the increasing human population and competition for land between the communities and the wild animals in Kidepo Valley National Park; leading to increasing encroachments on conservation areas for cultivation. The most affected areas were Karenga in Kaabong district and Nabwal, Apeitolim and belts near Lokopo in Napak district. Other incidents involved poaching of elephants that strayed into human settlements near Kidepo National Park and led to violent clashes between the communities and UWA game rangers resulting into forced evictions. Affected communities in Namenuain and Natirobinya villages in Nabwal Parish reported to UHRC in June 2014 that they were forcefully evicted by UWA which destroyed their grass thatched houses, granaries. potato gardens and household properties.

UHRC also received 8 complaints of alleged human rights violations committed by UWA officials against the communities living around Mt. Elgon National Park. The affected communities who mainly consisted of the Benet of Chesimat/ Chemwaisus parishes in Kortek sub-county, Kween district, and parishes of Chepkwasta sub-county in Bukwo and Bulambuli District in Bugishu sub region complained of forceful evictions resulting into damage of their crops and property. UHRC received reports that some of the communities such as the Benets of Kween district were indigenous people who had historical rights over the areas before they were gazette as conservation areas. Other communities such as the Ndobolo in Mt Elgon area were awaiting Government action to degazette the land identified for their re settlement, which had delayed.

[73] J. Nalukwago & Juliet Waiswa, *'KCCA demolishes Wandegeya kiosks,'* New Vision Saturday 25 October 2014, 6.

[74] F. Mukisa, *'KCCA night operations anger city traders'* The Daily Monitor Thursday 16 January 2014, 8.

[75] As above.

UHRC recorded 39 complaints of alleged human rights violations during forced evictions by UWA officials in Kidepo Valley National Park.

5.2.6.2 Lack of adequate housing

The human right to adequate housing is integral to the realization of the right to live with dignity, and is inextricably linked to other human rights such as the rights to food, work, health, water, land, and security of the home and person.[76] Cases of forced evictions by KCCA as outlined above resulted in violation of the right to adequate housing, in incidents where people were left homeless after their homes had been demolished.[77]

Many communities were left homeless especially the areas in and around Mt Elgon National Park in Manafwa and Kween districts in Bugisu sub region and in the Karamoja sub region. UHRC officials saw the ruins of houses that were allegedly razed to the ground by UWA officials during forced evictions in Nabwal parish, in Karamoja sub region.

5.2.6.3 Loss of Life

There were some allegations of loss of lives during forced evictions by KCCA and UWA. Allegations of loss of life were also, raised by KCCA and UWA against the evicted communities whom they alleged to have sometimes turned violent and killed KCCA and UWA law enforcement officers during forced evictions.[78] Violation of the right to life against law enforcement officers was reported to be common in almost all national parks and other wildlife reserves and sanctuaries around the country whereby communities turned violent on officials of UWA who lost their lives at the hands of violent communities during evictions include the Gaboyi Achan and Gundu Mathew of Sirinko District and the Osole, a Swift Ranger and Nandira Moses Mafabi killed at Kapwai in Kapchorwa District.[79]

5.2.6.4 Injuries and alleged torture, cruel, inhuman and degrading treatment

Some of the forced evictions were reported to have caused injury to persons especially when they degenerated into violent clashes; and in some extreme cases, torture of affected persons. This was reported from both the law enforcement officials and the evicted persons.

An incident was reported in the *Daily Monitor* of 27th November, 2014 in which KCCA officials clashed with taxi drivers who were illegally operating at the Clock Tower junction in Kampala and refused to relocate to the new Usafi Park. Ten taxi drivers and one policeman had reportedly sustained injuries during the scuffle.[80]

UHRC received complaints from one Chelangat David who was shot in the shoulder allegedly by UWA Rangers while looking after cattle in Kapchorwa; as well as Chepkwaner who was shot in the thigh by a stray bullet from a UWA official while at his home in Kwoti, Mt Elgon National Park area.

UHRC received other complaints of torture by UWA during forced evictions in Kidepo Valley National Park and from three residents of Namenuain and Natirobinya villages in Nabwal Parish all in Karamoja sub-region.

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[76] United Nations Basic Guidelines and Principles on Development-based Evictions and Displacement, 4.

[77] n 75 above.

[78] n 69 & 70 above.

[79] n 77 above.

[80] F. Mukisa, *'13 injured as KCCA enforcers battle drivers over illegal stage'* The Daily Monitor Thursday 27 November 2014, 6.

5.2.6.5 Loss of livelihoods

Forced eviction invariably results in the disruption of the way of life, economic activities and the means to secure a livelihood. This can further disadvantage the already impoverished and vulnerable communities who in many cases have lost their homes and businesses as well as personal possessions. Once evicted, individuals are rarely compensated, serving to exacerbate their economic hardship and social impoverishment.[81]

KCCA forced evictions in Kampala city targeted street vendors, hawkers, roadside traders, taxi drivers; demolished kiosks and stalls and removed makeshift markets. However, in most cases there were no alternatives provided for resettlement. The situation was exacerbated by reports of KCCA law enforcement officers sometimes confiscating the merchandise of the evicted individuals.[82] In the process, victims were denied the right to a livelihood and their ability to enjoy several other rights including the right to food, health, education for the children and many others curtailed. Images of stranded and hopeless families camped in Kampala suburbs after forced eviction and demolition of their homes; with household property littered outside; and tales of families spending nights out in the cold, was an indication that the individuals' right to a livelihood was in jeopardy.

In conservation areas, evictions by UWA impacted on the livelihoods of the affected communities. Incidents of destruction of homes, property and crops were reported and in some cases witnessed by UHRC officials in areas neighbouring Mt Elgon and Kidepo Valley National Parks.

5.2.6.6 Loss of the right to culture and rights of indigenous communities

The forced evictions in the Mt Elgon National Park areas affected communities especially the indigenous and those that had lived there for years. In particular, the indigenous Benet and Ndobolo people were evicted and are yet to be re -settled in the degazetted parts of Mt. Elgon conservation area.[83] UHRC noted that the repeated forced eviction of these communities which are still contesting land ownership by UWA was unfair treatment.

Whereas UHRC recognises efforts by the Government to resettle indigenous groups, their relocation inevitably disrupts their culture and affects their rights given their forceful removal from their natural habitat and traditional setting. The affected indigenous groups were made even more vulnerable by being removed from their social support systems and networks created in their original community settings.

5.2.7 Other emerging concerns during forced evictions by KCCA and UWA

There were other concerns observed during forced evictions which had various consequences on either the effected individuals or the enforcement officials or both. These had implications on the enjoyment of human rights by those affected as highlighted below:

5.2.7.1 High handedness of law enforcement officials and persons being evicted

UHRC was concerned that there were acts of high handedness exhibited by some law enforcement officials of both KCCA and UWA who were witnessed in the media using excessive force. The way some of the evictees were manhandled; the way vendors' merchandise was confiscated; the indiscriminate use of tear gas and carrying out evictions in the night, among others were some of the errant actions that

[81] S. Leckie *'Housing and Property Restitution Rights of Refugees and Displaced Persons'* Cambridge University Press 1998; 127.

[82] I. Imaka & F. Mukisa, *'Are KCCA security officials'* agents of order or terror?' The Daily Monitor Monday 1 December 2014, 5.

[83] n 79 above.

caused concerns. Sarah Nakiwala, a vendor, recounted in the *Daily Mon*itor of 1st December2014, recounts her ordeal when KCCA enforcement officers confiscating her merchandise during a forceful eviction at Kalwere, a Kampala suburb.[84]

There were reports of incidents of arbitrary arrests of street buyers by KCCA law enforcement officers on account of abetting unlawful trade of street vendors. However, the victims were in all cases released for lack of an appropriate law or ordinance under which to prosecute them.[85]

UWA game rangers on the other hand, were also in some instances reported to have used disproportionate force especially when they used firearms to shoot at unarmed members of the community. Of concern too were the repeated forced evictions by UWA of such communities like the Benet of Kween District and the Ndobolo in Mt Elgon area, who were still contesting their land rights in court; or awaiting re-settlement or legal compensation, even when UWA was fully aware of the ongoing processes.

However, there were also media reports of cases of non-compliance with lawful orders and violence perpetuated by some of the community members affected by forced evictions. The reported violent, unruly and rowdy actions against UWA officers by communities living in and around conservation areas were of concern to UHRC. KCCA enforcement officials were also reported to have fallen victim to violent actions by street vendors and taxi drivers, who in some instances had resorted to the use of stones, sticks and barricading of roads to fight off the eviction.

5.2.7.2 Lack of respect for the rule of law and delays in implementing court decisions

Most of the forced evictions by both KCCA and UWA were to a large extent prompted by disregard of the law and regulations by some of the communities affected. Whereas there have been accusations and counter accusations by both the communities and law enforcement agencies on serving and receiving of notices of eviction, KCCA and UWA claimed that some of the affected communities had ignored the notices due to the increasing lack of respect for the law.[86] A case in point was reported in the New Vision 15th October 2014 in which residents of Nsangi led by their Chairperson LC III Abdul Kiyimba, had vowed not to vacate the land planned for an alternative dumping site, despite acknowledging receipt of a 30 days' notice from KCCA.[87]

On the other hand, some of the communities accused KCCA and UWA of failure to fulfil the legal requirement of serving notices of impending evictions and sometimes failing to comply with the legally stipulated period of notice. A case in point was the night eviction by KCCA on 7th January 2014 in Nateete, where traders claimed that KCCA never issued them an eviction notice.[88]

Reports from KCCA indicated that the majority of the street vendors did not have permits from KCCA; they had established unauthorised road markets that blocked roads and impeded mobility in the city; and some Kampala residents had constructed illegal structures on drainage channels, road bridges, road and railway reserves; as well as many other unplanned activities in the city. The law enforcers argued that these illegal activities were done with full knowledge that they are unlawful.[89]Activities like encroachment on land in conservation areas; poaching; grazing, among others which are prohibited by the law were also said to be persistent because of disregard for the law.[90]

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[84]n 82 above.

[85]As above.

[86]n 78 above.

[87]J. Waiswa, '*KCCA to evict 100 Nsangi families,*' New Vision Wednesday 15 October 2014, 4.

[88]As above.

[89]Kampala Capital City Authority: Upgrading Kampala Structure Plan and Upgrading the Kampala GIS Unit, Final Draft Report September 2012.

[90]n 83 above.

At another level, there were reports of non-compliance or delays by Government or its agencies to implement court decisions requiring de-gazetting of land in conservation areas, resettlement of evicted communities and compensation to persons erroneously affected by evictions. Government, has for instance, been slow in implementing the court decision to de-gazette the Mbwa Tract in Bwindi Impenetrable National Park; de-gazette 1,000 sq kms at Iriri conservation area to re-settle the encroachers currently in Pian Upe and Bokora in Kidepo Valley National Park and to resettle the Bennet in Kween and other displaced communities around Mt Elgon National Park. UWA had delayed compensations to lawful claimants and had failed to fully comply with the law which required it to remit 25% of park proceeds to local communities to support community initiatives.

5.2.7.3 Human-animal conflict

Human-animal conflict refers to incidents involving negative encounters between the people living in areas neighbouring conservation areas and the wild animals. The UHRC received reports of the prevalence of the human-animal conflict in areas near Kidepo Valley National Park in Karenga, Kaabong District; Nabwal, Apeitolim and belts near Lokopo in Napak District. UHRC noted that the conflict was a result of the competition for the limited land available for human settlement and cultivation, since the bigger part of the land was gazetted for wild life conservation; resulting into rampant encroachments by the communities.

However, UHRC received reports of elephants commonly straying into the human settlements and destroying crops in the process. Community members who complained of little intervention from UWA officials to restrain the animals were also reported to have resorted to poaching the stray elephants. This led to violent clashes between the communities and UWA game rangers as they tried to enforce the law and stop the poaching.

5.2.7.4 Lack of access to justice, redress mechanisms, re-settlement, and compensation

Given the vulnerability of the victims of evictions they have challenges to access justice due to limitedeconomic means and information on the available redress mechanisms. Cases of evicted individuals seeking justice were not common. However, the media reported that those evicted by KCCA from the railway reserve land in July 2014 had secured a temporary court injunction against the eviction as claims of land ownership by some individuals are sorted out with the Uganda Railways Corporation.[91]

Other such cases of communities that sought legal redress against UWA were reported in East Madi Wildlife Reserve, Lake Mburo National Park and Katonga Wildlife Reserve.[92]

Compensation to people evicted from the land by KCCA and UWA have not been readily forthcoming ranging from cases of no compensation at all; to low compensation or delayed compensations. Whereas the UWA Act does not have a provision for compensation for loss of crops destroyed by wild animals or for individuals killed by wild animals, the UWA started the process of compensating people owning land within Katonga Wildlife Reserve.[93]

The right to re-settlement is not clearly spelt out in most of the Ugandan laws applicable to evicted persons and is therefore rarely enforced by the evicting agents or even demanded as a right by the affected persons. However, it is worth noting that some of the evicted persons were reported to have secured court rulings requiring Government or its agencies to re settle them. The process by Government to de-gazette the land identified for resettlement of the Benet of Kween District and the Ndobolo in Mt Elgon area had stalled.

[91] n 69.
[92] n 90.
[93] As above.

5.2.7.5 Lack of information

Human rights standards require that affected individuals actively participate in the discussions regarding evictions and that prior notice beserved to them.[94] However, whereas evicted persons alleged that they were in most instances not served with notices of eviction and also cite cases of delayed receipt of notices, the KCCA and UWA on the other hand insist that they always ensured that notices of eviction are served to affected persons.[95] The requirement for affected persons to be provided with all information concerning the eviction by the evicting agencies has not been fully complied with, resulting into night evictions that contravenee the UN Guidelines on evictions.

Non-compliance with laid down guidelines by agents during forced evictions inadvertently created suspicion and mistrust in the evicting agencies thereby reducing the level of co-operation between the parties.

5.2.7.6 Gaps in the legal framework

It was observed that some of the current laws that regulate evictions and land use in Uganda are in conflict with some provisions of the Uganda Constitution. For instance whereas Article 26 (2)(b)(i) permits the Minister to take possession of one's land only after payment of compensation, Section 7 of the Land Acquisition Act gives the Minister powers to take possession of land before compensation is paid, and is currently a matter before the Supreme Court.[96]

Some of the evictions have been contested in courts of law arising from the conflicting land tenure system in the country which sometimes makes interpretation of laws ambiguous. It has also been noted that some of the laws have gaps and are silent on some critical issues such as the lack of a provision in the Wildlife Act 2000 on compensation to people affected by evictions.

In addition, there are no clear laws and policies on sharing of resources from national parks by communities neighbouring conservation areas and park authorities. Laws and policies on the management of street vending by KCCA are not comprehensive and the ordinances and byelaws currently in place do not cover all the aspects including penalties for offences of buyers of street merchandise.

5.2.8 Challenges faced by KCCA and UWA

Whereas UHRC observed a number of human rights concerns noted during forced evictions by both KCCA and UWA, the institutions themselves were faced with a number of challenges. Some of the challenges affected both institutions while others were unique to an institution.

There were reported cases of political interference which in some instances led to incitement of communities affected by evictions; making them uncooperative. UWA claimed some civic leaders would incite communities in illegal settlements to become violent while KCCA complained that some politicians in Kampala were politicising the evictions.

UWA noted that the rapid population growth rate was straining land usage in conservation areas which resulted into widespread illegal settlements. Similarly KCCA reported challenges of the growing population and the rural–urban migration in Kampala city which was escalating the prevalence of unplanned development and unlawful trade activities in the business district.

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[94] n 86.

[95] As above.

[96] *Advocates for Natural Resources and 2 Ors Vs Attorney General* Constitutional Petition No. 40 of 2013. The Constitutional Court held that Section 7 of the Land Acquisition Act was hereby nullified to the extent of its inconsistency with Article 26(2) of the 1995 Constitution with regards to Government's compulsory acquisition or possession of anyone's property prior to payment of compensation.

Both UWA and KCCA were grappling with the violence their law enforcement staff were encountering in some of the communities affected by evictions. They were also dealing with the uncoordinated work of Government agencies in implementing their mandates particularly of enforcing order in their respective areas of jurisdiction. The issuance of permits by the National Environment Management Authority (NEMA) to individuals to utilise wetlands was cited as a contravention of the functions of UWA to conserve wetlands and KCCA's to ensure planned development of the city.

The gaps in the existing laws and lack of requisite laws to strengthen the regulation of forced evictions were cited as a challenge; in addition to the slow and fragmented Government processes of reviewing existing laws, degazetting, opening land boundaries and resettling people affected by evictions.

5.2.9 Recommendations

1. Uganda Wildlife Authority and Kampala Capital City Authority should ensure the respect and observance of human rights during evictions by complying with national and regional standards as well as the United Nations Guidelines on Forced Evictions.
2. Uganda Wildlife Authority and Kampala Capital City Authority should institute measures to punish errant enforcement officers who violate the rights of people during evictions and ensure that they are subjected to the due process.
3. Government through the Office of the President, Office of the Prime Minister, the Ministry of Tourism, Wildlife and Antiquities and Parliament should expedite the process of de-gazetting land and opening boundaries in the affected national parks to resettle evicted communities.
4. Uganda Wildlife Authority and Kampala Capital City Authority should ensure prompt, fair and adequate compensation of lawful claimants arising from forced evictions by complying with the provisions of Article 26 of the Constitution.
5. Members of the public affected by evictions should comply with the law and seek legal redress if aggrieved.
6. Uganda Wildlife Authority and Kampala Capital City Authority should increase community sensitisation, collaboration and dialogue on compliance during evictions.
7. Ministry of Lands, Housing and Urban Development should initiate the process of harmonising laws on land tenure and review the Land Acquisition Act Cap 226, to bring it in line with the Constitution.
8. Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs should also harmonise the Kampala Capital City Authority, Uganda Wildlife Authority and National Environmental Acts to avoid contradictions in their implementation.
9. Kampala Capital City Authority should provide enabling policies and legislation on street vending.
10. Uganda Wildlife Authority and Kampala Capital City Authority should ensure appropriate training for law enforcement officers in crowd management and human rights education.

5.3 RECURRENT HUMAN RIGHTS CONCERNS ARISING OUT OF FLOODS, HAILSTORMS AND ROAD TRAFFIC ACCIDENTS

Uganda continues to suffer the negative consequences of natural disasters such as floods and hailstorms; as well as man-made ones namely, road traffic accidents. In 2014, several parts of the country were affected. The districts of Kasese, Ntoroko, Alebtong, Mpigi, Namutumba and Butaleja were affected by floods; while Mpigi, Sembabule, Butaleja, Namutumba, Namayingo, Jinja, Kamuli and Amuria were affected by hailstorms. Road Traffic accidents were still rampant with socio-economic consequences including loss lives, injuries and destruction of property.

The UHRC has previously highlighted these disasters in its annual reports and made recommendations to Government and relevant agencies for mitigating the ever increasing threat and suffering of the people

whose existence and livelihood are repeatedly affected by the disasters. However, not much action has been taken to address the issues. Therefore this section once again focuses on floods, hailstorms and road traffic accidents in Uganda in 2014 and their human rights implications.

5.3.1 Legal Framework

Articles 3 and 25 of the Universal Declaration provide for the right to life and security of persons and the right to adequate standard of living including food, clothing, housing and medical care in the event of circumstances beyond people's control. Article 17 of the Convention of the Rights of Persons with Disability provides for the protection and safety of PWDs in situations of armed conflict, humanitarian emergencies and occurrence of natural disasters. The Guiding Principle of the Inter-Agency Standing Committee (IASC) Operational guidelines on Human rights and Natural disasters 2006 provide that victims of disasters should enjoy the same rights as any other person.

The UN General Assembly Resolution 64/255 resulted in the development of the Global Plan for the Decade of Action for Road Safety 2011-2020 which focuses on road safety management; safer roads and mobility; safer vehicles; safer road users; and post-crash response.

At the regional level, the ACHPR and the African Charter on the Rights and Welfare of the Child (ACRWC)[97] provide for survival, protection and development of the child; the right to education[98] and health;[99] to life and of mobility of movement. The African Action Plan for the Decade of Action for Road safety in 2011 aimed at the reduction of road traffic accidents by 50% by 2020 was adopted.

At the national level, the Constitution of Uganda provides for the response, assessment and management of disasters. It provides for the establishment of an effective machinery to deal with hazards or disasters resulting from natural calamities or any other situation;[100] and for the establishment of a National Disaster preparedness and Management Commission to deal with all nature of disasters that hit the country[101]. The Government in 2010, adopted the National Disaster Preparedness and Management Policy to manage disaster mitigation, prevention, preparedness, effective response and recovery. The National Policy for Internally Displaced Persons was adopted in August 2004 primarily to address the needs of those displaced by among others, disasters. Other relevant laws include the Traffic and Road Safety Act, 1998; and the Motorcycle and Tricycle Regulations 2012.

5.3.2 Floods and Hailstorms

The International Federation of the Red Cross defines a disaster as a sudden, calamitous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses that exceed the community's or society's ability to cope using its own resources.[102]

5.3.2.1 Floods

In 2014, some parts of Uganda suffered floods and hailstorms. Floods hit Kasese and Ntoroko districts in the Rwenzori region, Alebtong District in Lango sub–region, Butaleja District in Bukedi sub-region, while Mpigi District in the Central region and Namutumba District in Busoga region experienced severe hailstorms.

[97] Article 5 of the ACRWC.
[98] n 40 above, Article 17.
[99] As above, Article 16.
[100] n 57 above, Objective XXII.
[101] As above, Article 249(1).
[102] http://www.redcrossug.org Last accessed on 29 January 2015.

Recurrent floods have been experienced in Kilembe Mines area in Kasese District where during the colonial era, five small rivers were diverted and merged into what is now known as River Nyamwamba. However, due to failure of Government and Local Government authorities to ensure routine de-silting and maintenance of the newly formed river, River Nyamwamba often bursts its banks causing severe flooding as the river attempts to revert to its original course.

In October 2014, some parts of Ntoroko District experienced heavy floods following heavy rains which led to the River Semliki bursting its banks. As was the case in 2007 and 2010, in July 2014 heavy rains again resulted in floods in Alololo Parish, Omoro sub-county, Alebtong District, hitting hard Angicakide, Amokonyi and Abunguru villages,

5.3.2.2 Hailstorms

In October 2014, hailstorms hit Nyondo Village, Bongole Parish, Buwama sub-county in Mpigi District affecting nine households. Some buildings and crops such as maize and bananas were destroyed leaving the affected people vulnerable in respect to adequate food and shelter. No deaths were reported. Butaleja and Namutumba districts also experienced hailstorms.

Other incidents that were reported in the media include :

On 14th March 2014, the Uganda Radio Network reported that at least 580 gardens of cassava and over 300 grass thatched huts were destroyed by a heavy hailstorm in Amuria district.[103]

On 31st March 2014, NTV reported that eight people died and scores were injured after hailstorms hit Jinja and Kamuli districts in Eastern Uganda.

On 10th June 2014, NTV again reported that a severe hailstorm destroyed buildings and dozens of vital documents at a school in Rubirizi District in Western Uganda. More than 440 acres of cotton and 2,000 households were destroyed in villages of Kyambura, Kyenzaza, Kafuro 11, Rukoba and Katonya all in Katerera County. Other crops including bananas, beans, soya beans and maize for more than 2000 households were destroyed.[104]

Residents inspect one of the cotton plantations destroyed by hailstorms in Kafuro Village, Rubirizi District Source: Chimpreports.com

On 19th June 2014, NTV news reported that several people were left in the cold with no food after a hailstorm destroyed their homes in Namayingo District. A Councillor Miria Akello said the storm lasted over an hour, ravaged and destroyed close to 200 homes.

[103] Uganda Radio Network 14 March 2014.

[104] http://chimpreports.com/hail-storms-destroy-cotton-farms-houses-in-rubirizi/ last accessed 9 February 2015.

On 20th August 2014, Daily Monitor reported five villages in Lugusulu sub county in Sembabule District which were hit by hailstorms and thunder killing several livestock and destroying crops and plantations.[105]

It was reported that thousands of people were left homeless and scores nursing serious injuries after hailstorms ravaged three villages in Bunawale parish, Butaleja District leaving 20 people admitted at Busolwe hospital. A total of 167 families were affected.[106]

5.3.3 Human rights concerns

The effects of the floods and hailstorms on the enjoyment and protection of various rights and freedoms of all persons affected which are highlighted below were of great concern to UHRC.

1) Destruction of infrastructure and property

In Kasese District, the floods destroyed infrastructure such as bridges, roads, school buildings and hospitals. The floods in Nyamwamba were followed by spontaneous sudden floods along River Nyamugasani destroying crops and property in Kyambura, Kyondo and Kisinga villages. Other rivers like Mubuku in Maliba, Bugoye and Karusandara and River Lhubiriha along Kitholhu, Karambi, Ihandiro, Mpwondwe and Lhubiriha sub counties also burst their banks causing further damage to crops and property. Roads were also badly damaged and culverts were silted in Bulange sub-county in Namutumba District.

A classroom engulfed by flood waters at Katiri Primary School in Kasese District

A classroom block that was destroyed by the the floods at Bulembia Primary School in Kasese District

A UHRC vehicle carrying a monitoring team from the Fort Portal Regional Office driving through the flooded Rwebisengo - Butungama road

Rwebisengo Town Council, as well as Bweramule, Butungama, Rwebisengo, and Kanara Sub Counties in Ntoroko District, were adversely affected by the widespread destruction of homes and property incurring loss of fish stock and livestock. Following the hailstorms in Namutumba District, 172 houses were completely destroyed; 36 houses had roofs blown off by the strong winds; 72 houses were cracked while crops belonging to 579 households were completely destroyed. In Mpigi District, nine households were affected when the storm partially destroyed four houses and some banana plantations.

[105] *'Thousands homeless after hailstorms ravage Eastern Uganda'* Daily Monitor 28 August 2014.

[106] http://www.china.org.cn/world/Off_the_wire/2014_04/08/content_32024279.htm
Last accessed 9 February 2015.

In Abunguru and Amokonyi villages, Alebtong District, a total of 213 food and cash crop gardens with food as well as 16 houses were completely destroyed; while in Angicakide village two houses collapsed. Many gardens were also destroyed causing food shortages in the district.

A water-logged sweet potato garden in Alebtong District

2) Loss of life

In Kasese District, the floods necessitated the evacuation of the Kilembe Mines Hospital. During the evacuation and transfer of the 195 patients, three of them: a baby, a patient on Oxygen and a woman who was trampled to death in a stampede died. In Alebtong District, Brian Obura, a four-year old child reportedly drowned in the flood water.

3) Deprivation of the right to education

The floods that affected Ntoroko District caused major disruptions in the delivery of education services. The National Primary Leaving Examinations (PLE) were most affected as classrooms were destroyed and communities cut off from the examination centres.

To mitigate the challenges faced by the PLE candidates, the District Local Government Administration in conjunction with the Ministry of Education and Sports and UNICEF provided emergency centres at which the affected pupils sat their final exams. The district administration provided mattresses and blankets while UNICEF provided assorted food items and tents for shelter. However, this was done for only the Primary Seven pupils leaving those of other classes and levels unable to access their right to education. Two blocks at Wainawale Primary School in Butaleja District were completely destroyed.

4) Disruption of social services

Delivery of social services that are directly linked to the enjoyment of the right to health, right to life and economic rights suffered disruption. In Kasese District, most of the electricity poles were washed away and as a result, power supply was disrupted. The Kilembe Mines Hospital was temporarily closed and evacuated in a bid to ensure the safety of patients. In Ntoroko District some health facilities such as Bweramule HC II become inaccessible; while in Alebtong District, the nearest health centre was 14 miles away from the most affected areas. This challenge was exacerbated by the impassable roads.

5) Limited access to water and sanitation

Flood waters in the aforementioned districts washed away pit latrines. In addition, they carried silt, mud, raw sewage and faecal matter into the community water sources thus contaminating the wells, springs and rivers making the water unfit for human consumption.

In Ntoroko District, all the pit latrines in Budiba sub-county were sub-merged or washed away by the flood waters leaving an entire sub-county without toilet facilities. This left the affected communities with no access to safe drinking water, or water for domestic use; thus affecting the enjoyment of the right to health, specifically water and sanitation.

6) Disease outbreaks

In Alebtong District, there was an outbreak of a foot skin disease known as Tineapedis or *'Ogeregere'* as it is called in the local language. Tineapedis is a dermatophyte (fungal infection) of the feet.[107] This disease is directly linked to continued contact with water and the main symptoms and effects of the disease are pain, swelling, itching, scaling, flaking, and sometimes blistering of the affected areas. This disease affected many residents, especially children rendering many of them unable to walk without difficulty; forcing many of them to remain at home. The situation was made worse as they could not access medical services due to the flooded roads and inaccessibility of the health centres.

In the other affected districts, water borne and sanitation-related diseases such as diarrhoea, dysentery and skin ailments were noted. This directly affected the people's enjoyment of the right to health.

A person in Alebtong district suffering from Tineapedis or 'Ogeregere'

7) Displacement of Persons

The hailstorms and floods that affected the districts of Mpigi, Butaleja, Namutumba, Kasese, Ntoroko and Alebtong caused the destruction of homes and plantations which led to the displacement of several persons. In Kasese District, UHRC noted that whereas some people had voluntarily moved to Kasese and nearby towns, many others had adamantly refused to leave the flood-prone areas, despite efforts by the Uganda Police to relocate them to Road Barrier Primary School, where a camp had been set up. In Ntoroko District, UHRC was informed that the floods had displaced a number of people the actual figures had not yet been established by the district administration.

[107] http://www.merckmanuals.com/professional/dermatologic_disorders/fungal_skin_infections/tinea_pedis.html Last accessed 27 January 2015.

Persons displaced by floods in Kasese District

5.3.4 Interventions and management of disasters

Under the National Policy for Disaster Preparedness and Management, the Office of Prime Minister (OPM) takes the lead in the coordination of emergency support. Under the Red Cross Act 1964, the Uganda Red Cross Society (URCS) plays an auxiliary role in the provision of humanitarian assistance especially during disasters.

In response to the various natural disasters that affected the different parts of Uganda, Government under the leadership of OPM and the National Emergency Coordination and Operations Centre (NECOC) partnered with UNICEF and the URCS to conduct technical needs assessments; evacuate residents from affected areas and relocate them to safer places; and distribute food and non-food items such as mosquito nets, blankets and cooking utensils. They also provided temporary shelter, psychosocial support, temporary hygiene and sanitation facilities, first aid and other emergency healthcare services.

The URCS gave the affected households in Namutumba and Butaleja districts saucepans, blankets and seeds while the OPM through the district leadership provided food items (maize flour and beans) in both districts. However the food relief was said to be inadequate as the quantity given ranged from 1kg to 30kgs of maize flour and 1kg to 5kgs of beans per household. World Vision sensitised the communities, provided treatment and supported the children it sponsors with planting materials, books and pens in Butaleja District.

In response to the floods in Kasese, the Police Fire and Rescue Service rescued several persons who had been stranded in their homes following the floods. The Ntoroko, the District Administration undertook to publicise the occurrence of floods on different media although the response in terms of emergency relief from Government was not immediate. Relief items including blankets and food items were delivered by the State Minister for Disaster Preparedness, Hon. Musa Ecweru to the Ntoroko District officials and distributed to the affected persons.

5.3.5 The National Policy for Disaster Preparedness and Management

The Uganda National Policy for Disaster Preparedness and Management which was adopted by Government in 2011 articulates that the Directorate of Relief, Disaster Preparedness and Refugees in the OPM is the lead agency responsible for disaster preparedness and management.

It also provides that the implementation of this policy is a multi sectoral and multidisciplinary process. It involves all Government ministries in collaboration with humanitarian and development partners, the private sector, local governments and the community. The Directorate of Relief, Disaster Preparedness and Refugees in the Office of the Prime Minister is the responsible centre for initiating external assistance.

In addition the Directorate is responsible for mobilizing resources in collaboration with UN agencies, Uganda Red Cross Society and other humanitarian organizations, to assist disaster victims immediately after a disaster and in the restoration of their lives.

"The overall policy goal is to promote national vulnerability assessment, risk mitigation, disaster prevention, preparedness, effective response and recovery in a manner that integrates disaster risk management with development planning and programming."[108]

5.3.6 Challenges

1) Inadequate capacity of the District Disaster Management Committees in the affected districts. The Committees have no specific budgets and as such, their responses to the disasters were minimal. This was attributed to the fact that the disaster funds which are earmarked by the district administration annually are inadequate to deal with the disasters which are recurrent.

2) Inadequate emergency response from Government and other stakeholders in terms of provision of shelter; water and sanitation services; and health services especially cost implications. The infrastructure (poor road network) as well as equipment such as earth moving equipment is also inadequate.

3) The lack of a clear resettlement plan for the displaced persons especially in Kasese District. The camp in which they were relocated was close to the edge of the river which exposed it to the risk of flooding, lack of sanitation facilities such as toilets/Latrines. It also suffered inadequate space to accommodate all the displaced persons within the camp structures.

4) The lack of specific budget allocation for the management and response to disasters. The OPM is not specifically provided with a budget for the management and response to natural disasters. In a situation of emergency, the OPM has to request for supplementary budgets or rely on other non-established sources of finances in order to fulfil its mandate. This contradicts the notion of emergency as disaster response ultimately delays and depends on release of finances.

5.3.7 Traffic accidents on the road

The Government of Uganda developed a Comprehensive Road Safety Road Map as one of the ways to achieve a 50% reduction in road traffic accident death by 2020 in accordance with the UN Resolution on Decade of Action for Road Safety. A National Road Safety Authority (NRSA) is planned to coordinate, collaborate, monitor and raise funding for all road safety activities. A review of the Traffic and Road Safety Act, 1998 is ongoing by the Ministry of Works and Transport to make it more effective by making regulations for the different categories of road users to allow for their better management and control.[109]

5.3.7.1 Overview of the traffic accidents in Uganda

Road traffic accidents continued to wreak havoc in Uganda with an average of 3,000 people killed in road crashes every year. These accidents were mainly attributed to carelessness, inadequate skills or lack of road safety awareness of the road users.

[108] F. Buwule, 'An Overview of the International Disaster Response Law in Uganda. A Presentation at the Disaster Law and Drought Operations in the Horn Of Africa,' Presented at Mombasa 16th-20th April 2012.

[109] Hon Stephen Chebrot, Minister of State for Works and Transport, addressing a Press Conference at the Uganda Media Centre on 6th May 2014, http://www.afro.who.int/en/uganda/press-materials/item Last accessed 29th January 2015

The Uganda Police Force (UPF) attributed the accidents to human factors accounting for 80% of the accidents; vehicle condition for example brake failure and defective lights for 10%; road condition like bad road surfaces and potholes for 5% and Environmental factors such as weather and activities along the road for 5%.[110]

The UPF noted the upward trend over time regarding the number of road accidents, with a slight reduction in 2012 and 2013. In 2012, a total of 19,870 accidents were reported in which 3,124 people died, compared to 2013, when 18,386 accidents that killed 2,937 were reported. The number of those seriously injured in accidents also reduced slightly from 13,137 in 2012 to 12,754 in 2013.[111] UPF acknowledged that the numbers are still too high and lead to economic loss in the hundreds of billions of shillings as well as untold grief and suffering to the families of the victims. Table 5.1 presents statistics of persons seriously injured in traffic accidents from 2010 to 2013.[112]

Table 5.1: Persons seriously injured in traffic accidents from 2010 to 2013

ROAD USER CATEGORY	NUMBER OF PERSONS SERIOUSLY INJURED			
	2010	2011	2012	2013
Drivers	903	925	786	745
Motor Cyclists	2,642	3,279	3,043	2,980
Pedal Cyclists	1,127	1,003	762	723
Passengers	5568	5,401	5,145	5,031
Pedestrians	3908	3,831	3,401	3,275
TOTAL	**14,148**	**14,438**	**13,137**	**12,754**

Source: Uganda Police Force

5.3.7.2 Motorcycle *(boda boda)* accidents

Motorcycles or '*boda bodas*' as they are commonly referred to nationwide are increasingly becoming a widely used means of road transport, especially in the urban areas. Most users consider them a fast and convenient way to navigate through the city, especially during heavy traffic; to access places that are otherwise inaccessible by car; while others, due to the limited options available, are forced to use the *boda bodas* as their primary means of transport.

The Ministry of Works and Transport estimates that there are over 200,000 *boda bodas* in Uganda, while Kampala Capital City Authority (KCCA) registered about 35,006 during the exercise carried out in 2013.[113] These account for 42.4% of vehicles on the road, but carry 8.5% of the passengers.[114]

This high number of *boda bodas* pose a threat to pedestrians, the riders and the passengers on them. The problem is worsened by the inadequate regulation and checks for the authorities to know who the riders are, whether they have been tested and/or have riding permits, as well as their impunity in non-compliance with traffic rules and regulations such as the requirements to wear crash helmets, observe traffic lights and speed limits; and keep within designated lanes.

[110] S. Kibwika, Assistant Commissioner of Police (ACP) 'The Road Safety Situation in Uganda,' a presentation made at the UHRC 17th Annual Report Consultative meeting held at Speke Resort Munyonyo on 27 & 27 January 2015.

[111] As above

[112] Statistics for 2014 were not readily available.

[113] '*Over 30,000 boda boda cyclists registered in Kampala,*' The New Vision 25 October 2013.

[114] A.M Kitaka Director Engineering & Technical Services, KCCA, 'Promoting Non-Motorised Transport, a Case Study of the Non Motorised Transport (NMT) Pilot Corridor,' Available at http://www.unep.org/Transport/sharetheroad/PDF/Test_workshop/AndrewKitaka_Uganda Last accessed 29 January 2015.

The unprecedented growth in numbers of *bodabodas* has been attributed to a vacuum created by unreliable public transport facilities, high public demand for alternative transport services and ease of acquisition of commercial motorcycles through credit facilities from private lenders and banks.[115]

UHRC is especially concerned about the high numbers of casualties of motor and pedal cyclists as Table 5.1 above depicts.

Boda Boda cyclists weaving through traffic. Source: New Vision

Boda Boda cyclists at the Jinja Road Traffic lights.
Source: Daily Monitor

In an attempt to curb the growing numbers and improve safety on the road, Police impounded over 2000 *boda bodas* in Kampala targeting riders carrying more than one passenger; those not wearing helmets; and those who did not have permits or adequate documentation. Some of the cyclists whose motor cycles were seized were carrying up to seven school children in various city suburbs."[116]

5.3.8 Human rights concerns arising from motorcycle *(boda boda)* accidents

1) Loss of life

Motorcyclists, pedal cyclists and passengers on motor cycles contributed to fatalities more than any other category. This is minus the number of pedestrians that were killed in accidents involving motorcycles. Table 5.2 below presents a comparison of fatalities caused by road accidents including *boda boda*-related accidents in 2012 and 2013.

[115] S. Kasiima (Dr.) Director, Traffic and Road Safety Uganda Police Force 'Boda bodas: A death trap at your beckon.'June 06, 2013. Available at http://www.newvision.co.ug/ Last accessed 9 February 2015.

[116] Statement by L. Nuwabine Kampala Metropitan Police Commander, UPF in article 'Over 2,000 bodabodas impounded in Kampala,' New Vision 15 April 2013. Available at www.newvision.co.ug. Last accessed 9 February 2015.

Table 5.2: Comparison of fatalities by road user category in 2012 and 2013

ROAD USER CATEGORY	Number of persons killed	
	2012	2013
Drivers	155	110
Motorcyclist	571	641
Pedal cyclist	217	224
Passenger on motor cycle	268	256
Passenger on Light omnibus	124	87
Passengers in medium omnibuses	09	13
Passenger in Heavy omnibuses	51	24
Passengers in other vehicles	486	401
Pedestrians	1,243	1,181
TOTAL	**3,124**	**2,937**

Source: Uganda Police Force

2) Safety of Children

The UHRC was especially concerned about the increasing incidents of *boda boda* accidents involving children. Nsambya Hospital in Kampala reported admitting, on average, nine children per week due to *boda boda* related accidents. The statistics reflect that the problem of overloading children on motorcycles and the failure to wear helmets or seatbelts in the case of vehicles contributes to more than half of the cases of children who die in road accidents.[117]

A study carried out by the Injury Control Centre - Uganda (ICCU) revealed that of the 8,165 children sampled from 35 primary schools in Kawempe Division, Kampala, 53 had been involved in a traffic accident; with 25% of the injuries reported serious warranting care at a health facility. No deaths were recorded. In addition, 40% of these incidents involved commercial motorcycles; 41% bicycles; 9% cars; 8% taxis; and 2% trucks.

The Parliamentary Committee on Education and Sports in 2012 welcomed a move by Parliament to bar *boda boda* cyclists from transporting unaccompained children below the age of 12 years. Parliament urged the *boda boda* cyclists to ensure the use of protective gear when transporting passengers and asked that the ban be accompanied by the provision of alternative affordable public transport.[118]

[117]Godfrey Kizito, Records Officer Nsambya Hospital, Kampala, www.urbanafrica.net/news/police-impound-over-2000-boda-boda-kampala/Last accessed 9th February 2015

[118]Statement by Hon. Sylvia Namabidde, Chairperson of the Parliamentary Committee on Education and Sports in an Article 'Uganda Parliament backs boda boda ban for children' http://www.ekimeza.com/ Last accessed 9 February 2015.

School children transported without protective gear on Source: The New Vision

3) Right to health

A study conducted by a team of Orthopaedic surgeons at Mulago Hospital in Kampala showed that 75% of all trauma cases at the National Referral Hospital were a result of *boda boda* accidents.[119] According to the ICCU, Mulago Hospital alone received 5 to 20 *boda boda* accident cases everyday, which translated into 7,280 cases a year.[120]

As a result, Mulago National Referral Hospital's budget and facilities have been over stretched by the upsurge of *boda boda* accident cases. The hospital spends UGX 1.5 billion out of the annual budget allocation of UGX 2.4 billion to the directorate of surgery. This accounts for 62.5% of the budget.[121] The Orthopaedic Ward (Ward 3A) admits twice as many patients as its capacity and as a result, patients lie on the floor while the facility and staff are overwhelmed.[122]

Ward 9 at the Jinja Main Hospital was nicknamed 'Bajaj ward' since most *bodabodas* are of the Bajaj brand; and 32 out of the 48 beds at both the women's and men's section were occupied by people injured in *bodaboda*-related mishaps.[123]

It was estimated that the average cost of managing a patient with *bodaboda* injuries is UGX 700,359 over a period of eight days (or more) of hospital stay, while maintaining patients in the ward costs UGX 151,172,382 and the theatre costs are at UGX 73,642,813. This brings the total to UGX 224,815,195; an amount that could maintain a health centre III for some time.[124]

A ward with Patients being treated for injuries suffered as a result of boda boda accidents at Mulago Hospital. Source: The New Vision

[119] A team of senior Orthopaedic surgeons led by Dr. Edward Naddumba, then a senior orthopedic Surgeon at Mulago Hospital, Kampala. Available at http://www.newvision.co.org. Last accessed 2 March 2015.

[120] n 115 above.

[121] n 119 above.

[122] n 120 above.

[123] 'Boda boda accident victims overwhelm Jinja Hospital' New Vision 11 February 2015 http://www.newvision.co.ug. Last accessed 3 February 2015.

[124] n 122 above.

In order to improve road traffic safety, the UPF recommended the fast tracking of the establishment of the National Road Safety Agency (NRSA); high level of advocacy for road safety; prioritisation of driver training standards to deal with the 80% human causes; the takeover by KCCA of traffic flow control in the city to allow police concentrate on enforcement; equipping traffic police with modern enforcement gadgets; and regular training for traffic officers.

5.3.9 Recommendations

1. Uganda Police Force and the Uganda Licensing Board should strengthen the implementation of the Traffic and Road Safety Act Cap 361. Specifically, Sections 59(a) and (i) of the Act which provide for testing drivers/ instructors and regulating driving schools and Sections 103 and 106 on inspections should be enforced to the letter;
2. The National Road Safety Council should be adequately facilitated to undertake preventive measures including road safety campaigns;
3. The Ministry of Works and Transport should inspect existing roads in order to redesign and reconstruct roads to remove black spots, seal potholes, place traffic signs and lighting to ensure safety of all road users;
4. The Uganda Police Force should diligently enforce the provisions in the Traffic and Road Safety Act Cap 361;
5. Government through the Parliament and the Office of the Prime Minister should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249(1) of the Constitution of Uganda;
6. Interventions by the Office of the Prime Minister and other stakeholders in disaster preparedness and management should apply the Human Rights Based Approach with special attention to vulnerable persons.
7. The Ministry of Finance Planning and Economic Development should provide a specific budget allocation for the response to and management of disasters.
8. Kampala City Council Authority should in line with its mandate and functions, organise and manage traffic and enact regulations for the proper management of the city; most especially motorcycle riders (boda bodas) in Kampala City.
9. Ministry of Works and Transport, Uganda Police Force and the Traffic Licencing Board, in partnership with relevant stakeholders, should popularise the provisions of the Traffic and Road Safety Act, 1998.

5.4 WORKING ENVIRONMENT OF HUMAN RIGHTS DEFENDERS IN UGANDA IN 2014

A Human Rights Defender (HRD) is defined as any person either individually or in consortium with others, who takes action to promote and protect any human right on behalf of others at national and international levels.[125] HRDs are characterised by the nature of work that they carry out and not who they are. HRDs could be ordinary people, civil society organisations (CSOs), non – Governmental organizations (NGOs) or state actors (such as police).

A HRD can deal with and concentrate on any human rights concerns. HRDs are obliged to carry out their work peacefully.

[125] Article1 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and protect Universally Recognized Human Rights and Fundamental Freedoms.

Human rights defence is a core constituent and ingredient in the promotion and protection of human rights and as such, it is of great relevance to UHRC in carrying out the activities it is mandated to execute.

In Uganda there is an array of HRDs. A community worker in a village in Kabale who teaches human rights education; a journalist from New Vision who exposes human rights violations in his /her article; an official from Uganda National Teachers Union (UNATU) campaigning for an increase in teachers' salaries will all be considered HRDs just as UHRC in carrying out its mandated activities is an HRD.

There has been increased importance of various HRDs in Uganda in respect to the promotion and protection of the rights of the people in Uganda. However, there has been noticeable volatility in the working environment of some of the HRDs.

Focusing predominately on CSOs/NGOs that are HRDs, this section presents the legal framework and protection mechanisms for human rights defence; highlighting the achievements that have been made in the working environment of HRDs as well as the risks they faced in their work and the implications. Recommendations are also made to address the issues raised.

5.4.1 Legal Framework and Protection Mechanisms

The Universal Declaration, ICCPR and the CESCR provide for rights of individuals. In effect, since individuals could be HRDs, the rights stipulated are applicable to HRDs. A key instrument for protecting HRDs is the United Nations Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of the Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms which was adopted by the UN General Assembly on 9th December 1998.

The UN Declaration on HRDs is not legally binding but it has provisions that demonstrates a strong international commitment to protect the rights of HRDs.[126] Further, the United Nations Human Rights Council and the General Assembly have adopted several resolutions that reflect the states' resolve to protect and promote the rights of HRDs[127] A significant protection mechanism is the Special Rapporteur on the situation of HRDs, who is an independent expert with the mandate from United Nations Human Rights Council to report and advise on the situation of HRDs.

The ACHPR provides for rights that are applicable to the protection of HRDs[128] as well as the protective mechanisms of the African Commission on Human and Peoples Rights and the African Court on Human Rights. Under the African Commission, a Special Rapporteur on HRDs has been established with a mandate amongst other things to seek, receive, examine and act upon information on the situation of HRDs in Africa; submit reports at every ordinary session of the African Commission; and raise awareness and promote the implementation of the UN Declaration on HRDs in Africa.[129]

The Constitution of Uganda provides under the National Objectives and Directive Principles of State Policy that the State shall guarantee and respect the independence of NGOs which promote and protect human rights.[130] In addition, the Constitution provides for rights that are applicable to all including HRDs

[126]The Declaration provides for HRDs as having the right to participate in the Government, the right to an effective remedy, the right to participate in peaceful activities and the right to solicit, receive and utilize resources.

[127]www.ap.ohchr.org/Documents/E/HRC/d_res_dec/A_HRC_22_L13.docA/HRC/22/L.13 This resolution amongst other things reminds state parties of their responsibility to protect human rights defenders and urges states to create a safe and enabling working environment for human rights defenders, free from insecurity. Most importantly, the resolution urges state parties to refrain from using legislation to criminalize the work of HRDs. In November 2013, the General Assembly adopted a resolution on women human rights defenders, which is a cornerstone in acknowledging and supporting the important and legitimate work done by women defenders and those who work on women's rights and gender issues.

[128]These provisions include right to liberty and the security of a person, right to receive information amongst other rights.

[129]Special Rapporteur on Human Rights Defenders; Special Mechanisms; African Commission on Human and People's Rights. Available at http://www.achpr.org/mechanisms/human-rights- defenders/ Last accessed on 5 January 2015.

[130]n 101 above, Objective V.

such as right to life,[131] liberty, security of person,[132] own property,[133] as well as freedom of conscience, expression, movement, religion, assembly and association[134] among others. Article 38 provides for the rights of citizens to participate in the affairs of the Government and the right to participate in peaceful activities through civic education.

5.4.2 Achievements in the working environment of HRDs

UHRC commends the Government for creating an environment and space that has enabled the vibrant operation of both state and non-state HRDs. For instance, UHRC has been operational since 1997 as a constitutional body that is an independent and impartial HRD. The enabling environment has facilitated UHRC to grow in its operations and as a result, it now has 10 regional offices.

For non–state actors, UHRC recognises the vibrant CSO/NGOs and individuals that are involved in human rights defence. Having increasingly partnered with various CSOs and individuals in activities to fulfil its mandate, UHRC observed over the years, the increasing number of organisations working for human rights causes.

5.4.2.1 Formation and continued growth of Human Rights Defenders various human rights related coalitions

UHRC notes the undisputed growth of HRDs that have through various campaigns brought about significant and commendable change in the arena of human rights. It was through the efforts of HRDs' campaigns, that laws prohibiting torture, domestic violence, trafficking in persons and female genital mutilation were enacted.[135]

The growth of HRDs was also demonstrated through their increasing numbers and the formation of various coalitions of HRDs. In March 2013, the National Coalition on Human Rights Defenders was formed as an umbrella body bringing HRDs together, mobilising and protecting them, as well as building the capacity of its over 200 members. Other such coalitions including regional ones[136] have been formed. UHRC welcomes these coalitions for their potential to improve information flow, strategise, network and present a united front.

Solidarity amongst HRDs; Members of the several human rights defenders singing the Human Rights Defenders song composed by the Human Rights Centre Uganda

[131] n 131 above, Article 22.
[132] As above, Article 23.
[133] As above, Article 26.
[134] As above, Article 29.
[135] Due to HRDs consistent campaigns, the following laws have been enacted: the Prevention and Prohibition of Torture Act 2012, The Domestic Violence Act 2010 and the Prohibition of Female Genital Mutilation Act 2010.
[135] Regional coalitions include East and Horn of Africa Human Rights Defenders Project (EHARDP).

5.4.2.2 Increased levels of Government support and engagement

During the year 2014, CSOs including those that are HRDs, met high level Government officials such as the Minister of Internal Affairs[137] and the Inspector General of Police (IGP).[138] The purpose of these meetings was to discuss issues affecting the CSOs and engage at a high level with the ultimate view of improving their working environment. Following the meeting between the IGP and the 'Free and Fair Elections Now' Coalition in April 2014, the coalition was able to carry out its public rallies countrywide in relation to electoral reforms without any reported incidents. UHRC notes that such meetings with high level Government officials illustrate that the Government supports the valuable work of HRDs and as such is concerned enough about their working environment to engage with them. UHRC commends the Government for meeting and engaging with the CSOs so as to discuss the issues affecting them.

5.4.2.3 Improved capacity for the State actors involved in human rights defence

The state actors involved in human rights defence include for instance UPF, UHRC, Equal Opportunities Commission (EOC), Uganda Prison Service (UPS), Uganda Peoples Defence Force (UPDF), Judicial Service Commission (JSC), Uganda Law Reform Commission (ULRC), Uganda Law Society (ULS), Law Development Centre (LDC), Uganda Registration Services Bureau (URSB) and the judiciary. In respect to these State actors, who through their various mandates defend the rights of citizens, there were efforts to enhance their capacities regarding their areas of human rights work in 2014.

UHRC noted that the UPF now has a fully established Directorate of Human Rights and Legal Services that handles, amongst other things, complaints about human rights violations carried out by police officers. The EOC was fully constituted in 2014 and its tribunal is now taking on complaints.

There was increased access of HRDs in using the judicial system. For example, the court petition that resulted in the nullifying of the Anti-Homosexuality Act was brought by HRDs.[139] In 2014, HRDs challenged the Public Order Management Act 2013 and the Anti-Pornography Act 2014 in the Constitutional Court for violating human rights. These cases are still in court.

5.4.3 Challenges faced by HRDs

Not with standing the positive aspects that have been highlighted, HRDs also faced several challenges that could be viewed as intimidating in their working environment and as such affecting their human rights. These are stated below.

[137] HRDs met with Minister of Internal Affairs twice in the year 2014.

[138] Free and Fair Elections Now Campaign met with the Inspector General of Police(IGP) and the Minister of Internal Affairs (MIA) in April 2014.

[139] 10 Petitioners Vs. Attorney General Constitutional Petition No. 8 of 2014. Petitioners included Prof. J Oloka – Onyango, Hon. Fox Odoi – Oywelowo, Andrew M. Mwenda, Prof. Moris Ogenga-Latigo, Dr. Nsubuga Semugoma, Jacqueline Kasha Nabagesera, Julian Pepe Onziema, Frank Mugisha,, Human Rights Awareness & Promotion Forum and Centre for Health Human Rights & Development.

5.4.3.1 Break-ins into offices of CSOs

The year 2014 was characterised by office break-ins of several CSOs that work on human rights issues across the country. Notably on 5th May 2014, HURINET-U office was broken into occasioning immense losses including a server, 29 computers, office cameras, safes, surveillance cameras amongst other items. Other CSOs that faced a similar fate in 2014 include Women and Girl Child Development Organization in February and September 2014; Action Group for Health Advocacy in January 2014; AFFORD Kasese in February 2014; Human Rights Focus in Gulu (HURIFO) in December 2014; and Ecological Christian Organisation Kamwokya in October 2014.

Previously in 2013, similar break-ins were reported at Uganda Land Alliance, Anti-Corruption Coalition, Human Rights Network for Journalist, Foundation for Human Rights Initiative (who faced three break-ins), Action Aid (U) and Lira NGO Forum amongst others.

UHRC noted with concern that police investigations of these break-ins had not been concluded which was causing discomfort and suspicion among HRDs.

5.4.3.2 Restrictive national laws

In relation to the regulatory framework concerning NGOs, Uganda has enacted laws over which NGOs have raised concerns with some of the provisions.

1) The NGO Act, Cap 113

This law was later amended into the NGO Registration (Amendment) Act, (2006) plus its regulations. The contention is on the numerous registration and re-registration conditions; the requirement for NGOs to give written notification to the local leadership including the RDCs before engaging with the local people in their area of operation; the lack of recourse for appeals in case the NGOs are not contented with the decisions of the NGO Board or the Minister of Internal Affairs. The NGOs also expressed worry about the Government intention when in April 2014 it announced the consideration of an amendment on the NGO Act.

2) The Public Order Management Act 2013

The contention of NGOs was mainly Section 5, which requires the organisers of any public meeting to issue a notification of the public meeting to the police. Complaints were to the effect that the police seemed to view this notification as a request for permission to hold the meeting as opposed to mere notification of the meeting. This misunderstanding about the specific role of police in respect to this requisite notification led to a number of run-ins between the police and HRDs throughout 2014.

5.4.3.3 Lack of national legislation specifically protecting HRDs

There is no domestic law protecting the rights of HRDs yet it would be a key element that would enhance a safe and enabling working environment for them. HRDs called for national laws that would protect the rights of HRDs, support and empower them. In countries where the human rights of HRDS were specifically recognised and protected in domestic law, those rights were more likely to be respected and realized in practice.[140]

[140] Human Rights Council, 25th Session, Report of the Former UN Special Rappoteur on the Situation of HRDs, Ms. Margaret Sekaggya, 23rd Dec 2013, A/HRC/22/55.

5.4.3.4 Access to information

HRDs complained that for many of them accessing information concerning public matters proved to be particularly difficult. First of all, obtaining information from the Government was not easy as the procedures were complicated and cumbersome. However, it was also the contention of the HRDs that the situation was worse for those working in the oil and extractive industry especially those seeking to access the Environmental Impact Assessments done by NEMA. Inability to access pertinent information makes the working environment of concerned HRDs difficult.

5.4.3.5 Freedom of conscience, association and assembly

Article 29 of the Constitution guarantees the right to assemble and demonstrate together peacefully and unarmed and to petition. There were a number of incidents in 2014 where HRDs did not enjoy these rights. The following were cases that some HRDs cited.

In March 2014, Police blocked opposition members and members of civil society from holding a public meeting under the coalition of "Free and Fair Elections Now" in Soroti, Kabale and Kasese on allegations that the meetings were not vetted by police. The campaign organisers contended that the requisite notification as required by the Public Order Management Act 2013 had been given to the police.

On 17th June 2014, two students were arrested and charged for criminal trespass and conspiracy to commit a crime for placing two pigs at the Parliament building as they protested against political corruption and youth unemployment.[141]

On 29th July 2014, two students who were protesting against unemployment and corruption from Makerere University were arrested as they tried to access City Square as they peacefully demonstrated.[142]

In November 2014, public lectures organized by HURINET–U on transitional justice in Mbale University and Soroti Flying School were discontinued by the RDC on the premise that they were inciting violence. UHRC noted with concern that when HRDs clashed with police and a scuffle broke out, there were occasions when some police personnel used excessive force.

5.4.3.6 Harassment of particular categories of Human Rights Defenders in Uganda

Despite the large number of HRDs in Uganda, there were specific categories of HRDs who faced consistent harassment, discrimination, risk and disadvantages especially during the year 2014. These categories included the following:

1) Women HRDs

Women HRDs generally faced the same risks faced by other HRDs. However, female HRDs face typical challenges due to their gender. They often faced gender-specific threats and violence in most instances targeting their reputation, sexuality and their role in the cultural setting. UHRC interacted with some of these and learnt of a woman HRD from Rakai who rallied the women teachers within her area to take a petition to their area MP concerning the non- payment of their salaries. During the time she was carrying out these rallies, she and her family were threatened, beaten and she ended up in hospital with serious injuries.[143] It came to light that the hostility from the members of the community was largely due to the fact that she was a female carrying out a 'male' role. This particular HRD's reputation subsequently suffered and she faced hostility from members of the community.

[141] H. Zziwa, "Two arrested in Kampala for protesting with pigs against KCCA Carnival,' Daily Monitor, Wednesday 1 October 2014. Available at http://www.monitor.co.ug Last accessed on 4 March 2015.

[142] 'Students beat security to protest at City Square,' Daily Monitor, 30 July 2014, 15.

[143] Interview with Ms. Jennifer Achaloi M. from the National Coalition of Human Rights Defenders on 29 January 2015.

2) HRDs in the extractive industry

Following the announcement of discovery of oil in Uganda and the increased economic activity in respect to the sector, reports of threats in respect to HRDs working within this sector increased. UHRC notes that HRDs especially those working in the more remote and rural areas faced certain and peculiar restrictions. UHRC was informed by one of the HRDs working within Buliisa District that they had to obtain permission to have any sort of public discussion in respect to the oil exploration from the Ministry of Energy and Mineral Development. The HRD stated that whilst he was holding a public discussion on the impact of the oil extraction activities in the area, he was arrested and was charged with disobedience of lawful orders because he did not have permission from the Ministry to hold such a discussion.[144] This sort of experience has been echoed by various HRDs working within the extractive industry that UHRC has interacted with.

3) The Media

The media continued to play a key and important role of HRD in Uganda. As enablers of the right to freedom of speech and expression as well as the facilitator of the right to information, the media enhance the promotion and protection of human rights in the country. As such, UHRC recognises as crucial the work the media do in respect to protecting and promoting human rights. In 2014, UHRC noted that journalists and media professionals continued to be harassed, arrested and detained. Cases that were cited by HRDs included a Radio Manager of a radio station in Hoima who lost his job after hosting members of the 'Free and Fair Elections Now' Campaign;[145] and a journalist who got death threats because he was covering a story where a building had collapsed and killed a person in Kampala.[146]

UHRC noted the continued reports of seizure of journalist equipment; arrests of journalist; and the use of excessive force when dealing with the members of the media who are covering controversial issues. UHRC was informed by one of its partners that approximately 110 journalists faced arbitrary arrest and detention; assault and torture; inhuman and degrading treatment in 2014.[147]

4) HRDs working on or perceived to be working on sexual minority issues

HRDs working on or perceived to defend the rights of sexual minorities were specifically at risk in 2014. The passing of the Anti–Homosexuality Act in February 2014 exacerbated their working environment. According to the invalidated law, HRDs could be viewed as aiding and abetting homosexuality.[148] HRDs working on or suspected of working on sexual minority issues risked being closed down.

Although this law was nullified by the Constitutional Court of Uganda in August 2014,[149] its negative implications on the working environment of HRDs continued to be felt in 2014. The Government, on 14th March 2014, wrote to all country refugee desk officers requesting suspension of all activities carried out by the Refugee Law Project (RLP) pending investigations on allegations of promoting homosexuality in the camps. On May 20th 2014, this suspension extended to the head office of RLP in Kampala.[150]

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[144] Testimony given by a HRD at the Annual UHRC Forum for Human Rights Defenders at Hotel Africana on 22nd October 2014.

[145] Uganda Radio Network, 'Hoima Radio Sacked for Hosting Opposition Activists,' 18 April 2014, Available at http://ugandaradionetwork.com/a/story.php?s=62899. Last accessed on 15th December 2014.

[146] n 144 above.

[147] Report by Human Rights Network for Journalists in 2014.

[148] Section 13 of the Anti Homo Sexuality Act, 2014.

[149] n 139 above.

[150] The suspension was lifted in January 2015.

5.4.4 UHRC Interventions

In carrying out its constitutional mandate of promoting and protecting human rights, UHRC made some interventions in respect to improving and enhancing the working environment of HRDs as follows:.

1) UHRC established the Human Rights Defenders Desk whose main aim was to specifically engage with HRDs by tracking their complaints within UHRC; monitoring and reporting on issues concerning HRDs; acting as an intermediary between HRDs and state actors amongst other things.
2) UHRC received and investigated complaints of human rights violations from HRDs including the media during 2014.
3) UHRC carried out systemic investigations in respect to media freedoms and published an investigative report of findings. The report was launched in December 2014.[151]
4) UHRC held a training workshop for the media fraternity in which human rights standards were emphasised.
5) UHRC held an Annual Forum of HRDs in which over 50 of them engaged and exchanged on various issues that affected HRDs in the year 2014.[152] The outcome of the Annual Forum was an action plan that would map out the way forward on how HRDs in conjunction with UHRC can improve their working environment.

5.4.5 Recommendations

The United Nations Declaration on the Rights of HRDs encourages the State to protect those who work for the promotion and protection of human rights. The main responsibility for ensuring that HRDs defenders enjoy a safe and enabling environment lies with the State as the main duty-bearer. However this does not eliminate the duty of non-state actors such as community members in promoting and protecting the rights of human rights defenders. UHRC therefore recommends that:

1. Human Rights Defenders countrywide should raise awareness of the UN Declaration on Human Rights Defenders whilst carrying out their daily work.
2. Human Rights Defenders should advocate for a human rights legislation that specifically guarantees the rights contained in the Declaration of Human Rights Defenders so as to domesticate the Declaration.
3. Ministry of Internal Affairs and Non-Governmental Organisation registration board should review the laws concerning the registration of Non- Governmental Organisations and ensure that they are conducive and facilitative of the work of Human Rights Defenders registering as Non-Governmental Organisations.
4. Ministry of Energy and Mineral Development should adequately facilitate requests for access to information especially concerning information in respect to the extractive industry.
5. Uganda Police Force should speed up all investigations concerning violations against Human Rights Defenders, especially the break-ins so that the culprits are prosecuted to ensure that Human Rights Defenders have access to justice and an effective remedy.
6. Uganda Law Reform Commission should review the Public Order Management Act 2013 to bring its provisions that are deemed to infringe on the rights of Human Rights Defenders in line with human rights standards.

[151] 'Media Freedoms and the Rights to journalists.' UHRC Publication 2012.

[152] Some of the HRDs that participated at Annual Forum on HRDs held on 22nd October 2014 included FHRI, HURINET, National Coalition of Human Rights Defenders, Media Council, EHAHRDP, Refugee law Project, AGHA, SEATINI, CEHURD, UPF, UPS, Journalists representing Media Houses amongst others.

7. Human Rights Defenders should access and make use of the Human Rights Defenders desk at Uganda Human Rights Commission as a way resolving any human rights violations they may face.
8. Human Rights Defenders should continue working and networking in order to increase the membership and capacity of the National Coalition of Human Rights.
9. Human Rights Defenders should continue to engage with Government officials so as they can address any issues affecting their working environment without violent confrontation.

5.5 Violence against children in selected schools in Uganda

In order to address violence against children the Ministry of Education and Sports (MoES) in 2006, banned corporal punishment in schools and developed a handbook on 'Alternatives to Corporal Punishment' to reinforce the ban, this is however not legally binding. In 2009, MoES revised the Basic Requirements Minimum Standards (BRMS) and included the organisation and management of institution safety and security as one of its 13 key indicators. Its application is periodically monitored to ensure safe schools throughout the country.[153]

The MoES with support from UNICEF in 2014 developed guidelines that provide clear reporting, tracking, referral pathways and responses that children, teachers, parents, members of the community and schools need to follow when they encounter cases of violence against children in and around schools. According to Ministry of Education and Sports they are yet to be widely disseminated. Table 5.4.1 highlights the most common cases of violence against children in schools in Uganda.

Table 5.4.1: Most common cases of violence against children in schools in Uganda

Common types of Violence against children in school	2005 study " voices of Ugandan children and adults" Apac, Iganga, Kasese, Nakapiripit and Wakiso	2014 Baseline Girls Education Challenge (GEC) project (Kampala Lira, Kabarole, Luwero, Kole, Wakiso, Kyenjojo)
Physical (caning, slapping and pinching)	98% (at least once or more a week)	98.7%
Emotional (insulting threatening and not teasing)	98% at least once or more a week	98.2%
Sexual (exposure to sex, touching, sexual harassment, defilement)	75.8	97.8%

Source: Raising Voices 2014

5.5.1 Physical violence

Physical violence is the deliberate use of physical force with the potential for causing harm. This involves hitting children with the hand or with a stick, whip, and belt; kicking; scratching; pinching; biting; forcing children to stay in uncomfortable positions; and burning of body parts among others.[154]

Corporal punishment, on the other hand, refers to any disciplinary measure in which physical force is used and intended to cause some degree of pain or discomfort.[155] Although Government through the MoES

[153] http://www.fenu.or.ug/wp-content/uploads/2013/02/RTRR1-Fnal-3.pdf Last accessed on 9 February 2014
[154] http://www.fenu.or.ug/wp-content/uploads/2013/02/RTRR1-Fnal-3.pdf Last accessed on 9 February 2015.
[155] As above.

banned corporal punishment;[156] according to a study that was conducted by Winsor Consult Ltd between 2011 and 2012 and commissioned by the ministry, 74.3% of the children were reported to have experienced caning by an adult in school.[157] In addition, it was pointed out that 82% of the children were made to do difficult work such as digging, slashing and collecting water at school as a form of punishment.[158]

A worst case of corporal punishment was in 2013 at Naigombwa Primary School in Iganga District, where it was reported that one Yowaana Yakubu, a 13 year old primary three pupil, was caned to death by a fellow pupil under instructions from a teacher.[159] In 2014, a teacher at Mpoma Royal College in Mukono District battered a senior four student for being found in the dormitory at a wrong time and allegedly injured his urethra.[160]

5.5.2 Emotional violence

Emotional violence refers to acts or interactions, in which the adults or fellow children/peers intentionally attack children's feelings, withhold affection from children or undermine children's opinions of themselves. This greatly affects children's self confidence and undermines their dignity.[161]

According to the MoES, 46.7% of the children had experienced emotional abuse perpetrated by teachers.[162] In addition, 43% of the children had experienced bullying which is associated with discrimination against children from poor families or those with particular personal characteristics such as appearance or physical or mental disability.[163] It was also pointed out that the prevalence rate of bullying was higher in primary schools compared to secondary schools.[164]

The UHRC takes cognisance of the fact that innovative technologies offer opportunities to create new spaces for interaction and new forms of socialisation.[165] However, they have the potential of increasing the vulnerability of children to harassment and bullying in ways that are often difficult for adults, parents, caregivers, teachers and others to detect and respond to. Examples of such include cyber bullying through emails, online chats, personal web pages, text messages and transmission of images. Cyber bullying tends to take place in spaces that are not under adult supervision. Cyber bullying is a form of violence against children. In Uganda, this is not a common problem owing to the limited access to information technology by children.

The UHRC also notes that violence in schools hinders the ability of children to excel in such an environment. Children, who are bullied, will often exhibit a marked decline in school achievement and a reluctance to participate in school activities.[166] It also undermines psychological and emotional wellbeing of the child and the child's sense of confidence, which damages his or her potential to take advantage of the existing opportunities including learning.

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[156] Ministry of Education and Sports Circular on the ban on Corporal Punishment in Schools and Colleges, Circular No. 15/2006.

[157] http://www.unicef.org/uganda/VACis_Study_Summary_July_8th_10.31am% Last accessed on 13 February 2015.

[158] A Study undertaken by African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) 2011. http://www.anppcanug.org/wp- Last accessed on 7 February 2015

[159] Nation Television (NTV) news story covered by Sudhir Byaruhanga on 26 June 2014.

[160] D. Naker,'Violence against children; the voices of Ugandan Children and Adults.' Raising voices and Save the Children in Uganda, 2005.

[161] As above.

[162] Ministry of Education and Sports Report 'Assessing child protection, safety and security issues for children in Ugandan Primary and Secondary Schools 2012.

[163] n 162 above.

[164] http://srsg.violenceagainstchildren.org/sites/default/files/publications/Tackling%20Violen ce%20in%20Schools%20final.pdf Last accessed on 7 February 2015

[165] http://www.srsg.violenceagainstchildren.org/sites/default/files/publications/Tackling%20Violen ce%20in%20Schools%20final.pdf Last accessed on 7 February 2014

[166] As above.

In addition, the children's right to leisure, play and recreation is also affected as they tend to isolate themselves from others and lose interest in hobbies and after-school activities. The mental and physical health of children who have been bullied is also at risk. Such children may show signs of depression or have problems eating, sleeping or complain of physical symptoms such as headaches or stomach aches.[167]

5.5.3 Child neglect

According to the Committee on the Rights of the Child, neglect means the failure to: Meet the children's physical and physiological needs; protect them from danger; and access vital services required by the child such as education and medical care. Child neglect is a very common form of violence in Uganda given the increasing number of orphans; instabilities in families; negative influence of step parents and poverty manifested through hunger and diseases.[168] Denial of the right to food is the most common form of child neglect in schools. Despite the move by MoES to enact a School Health Policy which provides for a mandatory mid-day meal for all learners in school and obliges school boards to ensure provision of a mid-day meal by either the school administration or parents, many children were not provided with a meal at school.

5.5.3.1 Loss of life and injuries suffered due to school fires

School fires were also emerging as another form of violence against children in schools because of loss of life and injuries suffered. In 2014, three students were burnt to death and another escaped with serious injuries after fire gutted their dormitory at Mbale Comprehensive High School in Mbale town.[169] School fires instil a sense of fear among pupils which adversely affects their performance in class. MoES pointed out that 56% of the children were living in fear that their schools might be set ablaze.[170]

According to MoES , the causes of these fires include the following: substandard school construction works with poor electrical installations resulting in shoddy wiring and short circuits, as well as dormitories and classrooms that have no provision for emergency exists; use of candles in dormitories; business rivalry to mention but a few.[171] The regulatory capacity of MoES was also found to be wanting due to the fact that the security guidelines issued by the said Ministry in 2008 in the wake of school fires were not enforcement because of poor school inspections coupled with poor facilitation and corrupt tendencies.[172] It was alleged that schools Inspectors were compromised by head teachers who offered them with bribes.

5.5.4 Sexual violence

Sexual violence against children takes various forms, namely: verbal utterances that are sexual in nature; touching or fondling boys and girls in a sexual manner; or being forced to look at sexual scenes (materials). It also includes child to child sex. The worst form of sexual violence is defilement where by an adult engages in sexual intercourse with a child (a person below the age of 18 years).

Though boys and girls are negatively affected, the girl child is more vulnerable to sexual harassment and defilement. Cases of teenage and complicated pregnancies are common as well as the contracting of sexually transmitted disease and HIV. Most of these girls are forced into early marriages thus denying them their right to education. Figure 5.4.1 presents information on the magnitude of sexual violence in schools.

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[167] As above.

[168] ANPPCAN, 'The Situation of Children in Uganda' 2009. Available at http://www.anppcanug.org Last accessed 4 March 2015.

[169] Daily Monitor, 17 July 2014, 9.

[170] Representative from Ministry of Education and Sports 'Violence against Children in Uganda in 2014' A Presentation made at the UHRC Annual meeting on the Rights of Vulnerable Persons at Hotel Africana September 2014.

[171] Ministry of Education and Sports Report, 'Assessing Child Protection/Safety and Security issues for children in Ugandan Primary and Secondary Schools,' 51.

[172] As above, 52.

Figure 5.4.1: Magnitude of Sexual Violence in Schools

Source MoES 2012

According to a study conducted in 2012 by MoES in selected districts, 77.7% of primary school going children and 82% of secondary school students interviewed had experienced sexual abuse while 5.9% were subjected to defilement. Male teachers were found to be the main perpetrators. The report shows that 24% of the teenage pregnancy, early marriages and defilement are by teachers.[173] Police in Nebbi District held a teacher accused of defiling and impregnating a 15 year old P.6 pupil.[174] In Mayuge District, police held a teacher at a primary school in Bukaboli Sub County for allegedly defiling and impregnating a primary seven pupil.[175]

In Soroti a 13-year-old girl became a mother when she delivered in Soroti hospital. The girl got pregnant after she was sexually abused by Gordon M (not real name), a Senior One Student at Orungo High School, who was arrested and released on Police bond amidst allegations that the parents of the boy allegedly bribed the police officers.[176]

In Mityana District a head teacher in Kasenge village Kikandwa Sub County was arrested by Police over suspicion of defilement. The 45 year old was accused of defiling a nine year old P.3 pupil whom he had been coaching during holidays.[177] Similarly in Buwekula Parish, Mafubira Sub County, Bugembe Town Council police arrested a 26-year-old Shield Primary school teacher for allegedly sodomising a 14-year-old boy.[178]

The UHRC also took note of the fact that 51% of victims were aged between 10 and 13 years while 40.6% were aged between 14 and 17 years.[179] The magnitude of sexual violence against children is underreported because of the fear of the victim being further stigmatised and victimised.[180]

In 2014, female pupils and students from different schools in Central region petitioned the Education Minister, Ms Jessica Alupo, to save them from sexual harassment by their teachers.[181] In addition, the children that attended the International day of the African Child that was held in Lira appealed for tougher sentences for defilers, child traffickers and abusers.[182]

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[173]Baseline survey to assess violence against children in Arua, Apac, Kitgum, Mukono and Rakai districts in 2011.
[174]Daily Monitor, 16 August 2014 p. 16.
[175]Daily Monitor, 22 January 2014 p. 23.
[176]New Vision 8 November 2014.
[177]Daily Monitor, 14 January 2014, 14.
[178]Daily Monitor, 6 February 2014, 23.
[179]http://www.unicef.org/uganda/VACis_Study_Summary_July_8th_10.31am%281%29.pdf Last accessed on 7th February 2015.
[180]As above.
[181]Daily Monitor, 8 June 2014 p.5.
[182]New Vision, 18 June 2014 p.11.

It was reported that 24% of the girls get pregnant before reaching their 18th birthday and that most of them come from the region of Busoga. In view of this, Busoga has the highest rate teenage of pregnancy and early marriage; consequently, it is the worst performing region in education.[183] Figure 5.4.2 indicates the reasons for non reporting of cases of sexual violence by children in schools.

Figure 5.4.2: Reasons for non reporting of cases of sexual violence in Schools

Source: MoES 2012

As earlier pointed out technological advancements and the increased use of the internet as well as social media sites such as Face Book, WhatsApp and Twitter have also exposed children in schools to various forms of pornography and sexual violence. Children can get easy access to pornography through these gadgets and phones. Children in schools have access to mobile phones and other gadgets, which allow them to access websites that are otherwise restricted to adults. Without the close supervision by their parents, guardians, teachers and other persons-in-charge; many children suffer the negative consequences of exposure to such information that amounts to child pornography. As earlier mentioned this is not a common problem in Uganda owing to the limited access to the technologies by children.

5.5.5 Recommendations

1. Ministry of Education and Sports should widely disseminate guidelines that provide clear reporting, tracking, referral pathways and responses that children, teachers, parents, members of the community and schools need to follow when they encounter cases of violence against children in and around schools.

2. Ministry of Finance, Planning and Economic Development should avail more funds to the Uganda Human Rights Commission to enable it carry out civic education especially on such issues.

3. Parents should comply with school rules and regulations that prohibit use of mobile phones and other gadgets by children.

4. Schools that allow the use of phones and gadgets should establish a mechanism to regulate and monitor how the children use them.

[183] http://www.newvision.co.ug/news/654527-busoga-is-worst-performing-region-in- education.html Last accessed on 13 February 2015.

5. Ministry of Gender, Labour and Social Development should expeditiously amend the Children Act to pass legislation that explicitly prohibits corporal punishment. The amendment to the Children's Act that proposes a 36 month jail term for perpetrators of corporal punishment, will act as a deterrent to corporal punishment.

6. Ministry of Education and Sports should implement the provision in the School Health Poilcy which provides for mandatory midday meal to be availed by either the school administration or the parents.

7. Ministry of Education and Sports should embrace new technologies and amend the rules and regulations to take care of the new emerging technologies.

5.6 RIGHTS OF REFUGEES IN WEST NILE AND WESTERN UGANDA

Uganda has hosted refugees since the 1940s when Polish fleeing from World War II ended up settling in Kojja in Mukono District and Nyabyeya in Masindi District.[184] Since then, Uganda has continued to be home to refugees especially from the neighbouring countries like Democratic of the Republic of Congo (DRC) and South Sudan.

The war that broke out in South Sudan in 2014 caused an influx of refugees to Uganda especially in the West Nile Sub Region and South Western Uganda. The UHRC in accordance with its mandate to monitor the human rights situation in the country and Government's compliance with its treaty body obligations, focused on these rights of refugees in 2014.

UHRC monitored refugees in Nyumanzi I, Nyumanzi II, Baratuku, Ayilo, Boroli, Olual, Olua II, Mirieyi, Mungula I, Mungula II, in Adjumani District, Lobule reception Centres in Koboko and Rhino Camp in Arua District, Nakivale Refugee Settlement and Oruchinga Refugee Settlement in Isingiro District. Figure 5.6.1 presents a summary of the number of refugees in the West Nile Region and South Western Uganda in 2014.

Figure 5.6.1: Summary of the number of refugees in West Nile region and South Western Uganda

[184] http://www.immis.org/wp-content/uploads/2010/05/Policy-Analysis-Report-Uganda.pdf Last accessed on 12 February 2015.

Source: OPM

5.6.1 Legal Framework

The Universal Declaration recognises the right to seek and enjoy asylum from persecution.[185] Other international instruments that protect refugees include the 1949 Geneva Convention relating to the protection of civilian persons in time of war; the Refugees Convention, the ICCPR and CESCR. The ICCPR guarantees civil and political rights notably freedom of movement and protection from forced expulsion. Under the economic, social and cultural rights, the focus is on the right to adequate food, water and housing. The CRC provides that a child who is seeking refugee status or who is considered a refugee shall receive appropriate protection and humanitarian assistance in the enjoyment of rights

At the regional level, the African Union Convention governing the specific aspects of Refugees problems in Africa, 1969 defines the rights, duties and responsibilities of refugees. The ACRWC also requires state parties to provide appropriate measures for the protection and humanitarian assistance to refugee children or children seeking refugee status.

At the domestic level, the Refugees Act, 2006 and the Regulations provide for the rights, duties and obligations of refugees in Uganda. It is important to note that Uganda does not have a written refugee policy but rather a long held practice that has been recognised internationally as a best practice. Under Section 35 of the Refugees Act, refugees' rights and duties include the following:

a) They are bound by and conform to all laws and regulations currently in force in Uganda

b) They have to conform to measures taken for the maintenance of public order.

c) They should not engage in activities which may endanger state security, harm public interests or disrupt public order.

d) They should not engage in any political activities within Uganda whether at local or national level.

e) They should not engage in any activities contrary to the principles of the UN charter and the statute of the AU and in particular, shall not undertake any political activities within Uganda against any country including his or her country of origin

f) If engaged in any gainful employment or fully integrated and has a source of income, should pay taxes in accordance with the applicable tax laws in Uganda.

5.6.2 Positive developments in the realisation of rights of Refugees

There are a number of positive developments that have happened in the efforts to observe the rights of refugees. The UHRC commends Government for all the positive development as expounded on below.

5.6.2.1 Emergency response

There was efficiency in emergency response to the refugee situation in respect to settlement, security, health services, food, shelter and protection of refugees especially the vulnerable groups among others which was fairly adequate compared to the previous year. In addition humanitarian assistance to the refugees was provided by: United Nations High Commissioner for Refugees (UNHCR), World Food Programme (WFP), International Committee of the Red Cross (ICRC), Danish Refugee Council (DRC), War and Child – Canada, United Nations Population Fund (UNFPA), Adventist Development and Relief Agency (ADRA) (U), Plan (U), Lutheran World Federation (LWF), OXFAM, Médecins Sans Frontières (MSF),ACCORD and the United Nations Children's Fund (UNICEF) to mention but a few.

[185] Article 14 of the Universal Declaration.

The Minister for Disaster Preparedness and Refugees, Hon Hillary Onek (Front Row, 3rd Right) flanked by representatives from UNHCR, UHRC and officials from Arua and Koboko districts.

5.6.2.2 Registering refugees using the Biometric System

The UHRC acknowledges the introduction of the biometric system in registering asylum seekers and refugees on arrival as it is able to capture detailed data to maintain data credibility and provide reliable information for planning purposes. The bio data captured includes the names, dependants, sex, year of arrival, photograph and finger prints. This is useful in eliminating chances of forgery and illegal entry into the country. After registration, these refugees were issued with identity cards required for distribution of foods and supplies to the refugees, as well as other relevant documents.

The total number of refugees in the Adjumani settlements was at 93,000 refugees in 2014, mainly from South Sudan, a few Sudanese and Congolese. In Rhino Camp, the highest number of refugees were from South Sudan and others were from Central Africa, Ethiopia, Sudan, Rwanda, Burundi among others. Table 5.6.1 highlights the total number of households at Rhino Camp as per country of origin.

Table 5.6.1: The total number of households at Rhino Camp as per country of origin

Country of Origin	Number of House Holds
South Sudan	3790
Congolese	119
Sudanese	148
Eritrea	4
Kenyan	4
Rwandan	4
Burundian	3
Central Africa	2
Total	**4074**

Source: OPM

UHRC noted that in 2014, Nakivale Refugee Settlement was mainly occupied by refugees from Congo, Rwanda, Burundi, Somali, Eritrea, Sudan, Kenya, Tanzania and Liberia. In 2014 there were a total of 65,718 refugees, 32,866 female and 32,852 male. In July 2012, the settlement had a total population of 61,227 (female 30,093 and 31,134 male). By July 2013 the settlement had a total population of 77,399 refugees 39,093 male and 38,306 female. Table 5.6.2 highlights the composition of the refugee population at Nakivale Refugee Settlement as at 30th August 2014.

Table 5.6.2: The population composition of Nakivale Refugee Settlement as at 30th August 2014

Country of Origin	Female	Male	Total
Burundians	4,368	4,175	8,543
Congolese	18,077	17,676	35,753
Somalis	5,339	5,875	11,214
Rwandese	4,568	4,462	9,030
Eritreans	308	358	666
Ethiopians	159	217	376
Sudanese	29	54	83
South Sudanese	7	13	20
Kenyans	09	20	29
Tanzanians	01	00	01
Liberians	01	02	03
Total	**32,866**	**32,852**	**65,718**

Source: OPM

5.6.2.3 Right to culture and language

The UHRC noted that all refugees were free to exercise their language and culture within the confines of the law. They were free to express their cultures and speak their mother tongues and perform their cultural practices. They were encouraged to showcase their traditional dances during the special occasions and celebrations like the International Day for Refugees.

5.6.2.4 Access to justice

UNHCR and American Refugee Council (ARC) offered free legal services and interpreters in formal courts of law. The OPM in 2014 organised trainings for Camp Leaders in refugee settlements on issues of access to justice, the Refugee Act, 2006 and human rights especially at Rhino Camp Refugee Settlement in Arua District. These trainings were facilitated by judicial officials, the officials from UHRC and OPM among others. It was reported that as a result the refugees were empowered and became free to seek and access justice.

Nonetheless, the nearest court is at Kabingo trading centre in Isingiro District which is 30km away from the settlement. The long distance to courts of law affected access to justice in addition to the lack of a Legal Aid Policy to enable the most vulnerable refugees' access legal aid services, lack of interpreters in courts, the high costs involved in accessing justice; as well as the delays.

5.6.2.5 Provision of land to refugees

Government made efforts to provide the refugees with land for housing and farming and to oversee their physical and legal security in the settlements. Uganda's policy aims at making refugees self-reliant through provision of land to enable them carry out agriculture and put up accommodation facilities. The refugees appreciated the gesture but considered the land allocated to each family is the size of 30 metres by 30 metres too small for cultivation after construction of a house. The refugees requested the Government to provide more land for them to be able to cultivate so as to supplement on the food that they receive from World Food Program (WFP).

5.6.2.6 Co-existence with the host communities

The Government of Uganda's strategic approach was towards peaceful co-existence between the host community and the refugees. The sharing of services amongst the refugees and the host community was

emphasised. This promoted peaceful co-existence and as such social services like schools, health, water and sanitation among others were shared without discrimination.

5.6.2.7 Security screening for refugees

According to the Refugee Act 2006, a person seeking asylum should be non-combatant but in case one flees with ammunition or any other military material, he/she is supposed to declare it to police or any Government authority at the border. However, there were instances when some asylum seekers sneaked into the country with guns and they were arrested and produced before courts of law. OPM emphasised security screening at the border to ensure that no asylum seeker smuggled in illegal guns.

5.6.3 Challenges Refugees faced in the realisation of human rights

5.6.3.1 Insufficient food

There was a challenge of inadequate food given to the refugees in all the camps monitored. Most refugees complained that the quantity and quality of food given to them was not adequate. Some of the food items included beans, posho, cooking oil, yellow porridge and salt. At Baratuku and Rhino Refugee Settlements refugees complained that the maize floor was infested with worms. At Nyumanzi I Transit Site the food was not adequate. The site had many refugees.

The refugees also complained that the food distribution schedule was most times not followed; consequently they were not able to have timely access to food. They also complained about the unequal distribution of food especially in a situation where a family of eight people gotthe same rationas that for a family of six. Furthermore, some refugees that lived in Adrang Settlement complained about an irregularity where their names were on the register for humanitarian assistance for Adologo Settlement. This was inconveniencing as they had to walk long distances to pick their food ration and other items.

Refugees being served food at Nyumanzi Transit Site, Adjumani District

At Nakivale Refugee settlement, refugees cooked their own food which was provided by international agencies such as WFP and distributed by Samaritan Purse. UHRC established that each refugee was given 12kg of maize grains, 3 kgs of beans and cooking oil each month. In addition the refugees were given a plot of land 50 metres by 50 metres for every family of 6 members where they could grow crops like maize, beans, Irish Potatoes and vegetables. As a good practice the extremely vulnerable persons were assessed by the Food Management Committee (FMC) before distribution and given maize flour instead of maize grains and salt.

However, there were complaints from some refugees of food rations not being sufficient to sustain their families for a month and land pieces that were small.

In Oruchinga and Nakivale Refugee Settlements refugees travelled long distances to fetch water and collect firewood; which exposed children and women to defilement and sexual harassment. In the settlements in Adjumani the refugees stated that instead of maize flour, they were being supplied with maize or sorghum grain and yet they did not have the grinding machines within the camps or money to pay for the grinding.

5.6.3.2 Inadequate access to health services

At Oruchinga Refugee Settlement, there were two health centres: Nshungezi HC III and Rurongo HC II. The refugees accessed the medical services free of charge, for instance, general health care including immunisation. The distance was however long (6kms) beyond the recommended 5kms. The common diseases reported were malaria, post-traumatic stress disorders, malnutrition and diarrhoea/dysentery.

In Nakivale Refugee Settlement, there were about five health centres namely; Nakivale HC II, Rubondo HC II, Juru HC III, Kibengo HC II and Rwekubo HC IV. Out of these five, only Nakivale HC III had an admission wing for around 50 in-patients and was located approximately 500m away from the camps. However, the health centres in Nakivale Refugee settlement had no isolation room for contagious diseases.

Apart from Nyumanzi Transit Site that had MSF providing health services to refugees, all the other settlements in West Nile, which UHRC visited did not have health facilities within or nearby. The most affected refugees were the vulnerable persons such as expectant mothers, children, PWDs and older persons. A case in point was in Baratuk Refugee settlement where the nearest facility, Elema HC III was far away and lacked essential medicines. The refugees needed a mobile clinic in the camp. The common disease reported was malaria.

Refugee patients in an MSF clinic in Nyumanzi Transit Site in Adjumani Refugee Settlement

In Lobule settlement camp, a new HC III was constructed and it had an ambulance. This therefore meant that in cases of emergencies, the refugees could easily be transferred to hospitals from the health centre. The health centre in Rhino camp operated by MSF was well equipped and also had a standby ambulance to respond to emergency cases.

A newly constructed Health Centre III at Lobule Refugee Settlement Camp, Koboko District after being commissioned in 2014 by Hon Hillary Onek, the Minister for Disaster Preparedness and Refugees

5.6.3.3 Inadequate housing

The UHRC specifically noted a challenge that older persons and PWDs faced; mostly inadequate shelter since they did not have any one to help them construct their houses. This challenge was noted at Lugule and Baratuku Refugee Settlements. At Oruchinga the refugees lived in semi-permanent structures made of mud and wattle with plastic sheeting and with hardly any ventilation apart from doorways. The refugees complained that they were only given tarpaulins, yet they also needed mattresses, beds, utensils, clothes, shoes, and lamps.

An older person in a tent at Lobule Refugee Settlement who does not have anyone to construct for him a house

Refugee homesteads in Nakivale Refugee Settlement in Isingiro District

5.6.4.4 Unavailability of schools

Education is a fundamental human right and essential for the exercise of all other human rights. Refugees need to enjoy this right to be able to realise their other rights including health, culture, work and freedom of expression. Education can empower women, safeguard children from exploitative and hazardous labour, promote human rights and democracy, promote the environment and control population growth rates. The UHRC noted that refugees in Baratuk, and Nyumanzi I, Nyumanzi II in West Nile were not going to school.

5.6.4.5 Provision of psycho-social services

In Lobule and Baratuku settlements children were provided with education in form of psycho-social support. They were given an opportunity to express themselves in form of drawings at the child-friendly spaces which were provided by Plan International and Save the Children. The children were also offered counselling and guidance services in addition to open door and indoor games to keep them busy and distract them from memories of the trauma they went through.

A counsellor from Save the Children informed the UHRC that the children neededcounselling services because most of them saw dead bodies. In addition the UHRC was informed that some children testified that their parents died in their presence during the war. By the time UHRC monitored this child-friendly facility at Baratuk, the seven teachers at the facility were overwhelmed handling 620 children.

Child Friendly Space for refugee children in Baratuku Refugee Site in West Nile

In Lobule Refugee Settlement a primary school had been constructed by OPM and UNHCR for both the refugees and the host community. Despite this, many refugees were not going to school because of factors like the long distance to the schools; the high cost of education; and other indirect costs of Universal Primary Education. At Boroli settlement camp, the UHRC team was informed that Windle Trust, an NGO, offers scholarships to children who are joining Senior one, five and university. The organisation was also constructing a primary school at Ayilo settlement camp.

At Aliyo Refugee Settlement, the youth resorted to playing cards and going to discos because they were idle. UHRC noted with concern that such a situation could prompt criminal activities.

At the refugee settlements of Oruchinga, education was managed by Windle Trust Uganda. The settlement had Rwamurunga, Kajaho and Rurongo Primary Schools and one Rwamurunga Community Secondary School. There were no nursery schools in all the settlements.

The tertiary education institution could only be accessed by those who could afford the costs. In Nakivale Refugee Settlement there were nine primary schools which were offering free elementary education, namely Kashojwa, Kabazana, Kabahinda, Kahirimbi, Rubondo, Ruhoko, Kuru, Nakivale and Nyarugugu Primary Schools with the nearest school being 300m away from the refugee settlement.

5.6.4.6 Water and sanitation challenges

All the refugee settlements visited lacked sufficient, safe and physically accessible water for personal and domestic use. In Nyumanzi I, the camp had six blocks, each with approximately 556 households. The camp had a total population of approximately 600 refugees but had only three bore holes and one water tank. Refugees complained that the water was salty and not good for human consumption. In Baratuk Refugee Settlement there were only two boreholes and one had salty water. At Ariyo Refugee settlement camp, there were over 21,000 refugees being served by only 30 boreholes.

Refugees collecting water from a borehole at Nyumanzi I Site

UHRC regional staff interacting with Water, Sanitation and Hygiene (WASH) staff of Humanitarian Just Relief and Aid (HIJRA)

The UHRC further noted that refugees did not have hygiene and sanitation facilities; most latrines were overflowing with human waste; and were communally owned. This affected the older persons, children and PWDs most. The UHRC noted that pit latrine coverage in the settlement of Nakivale and Oruchinga was at 86% of the households.

The UHRC acknowledged the practice by UNHCR providing sanitary towels to refugee girls and women while ARC provided soap and plastic slabs to refugees schools in the settlements.

5.6.4.7 Separation of families

A cornerstone of refugee rights protection is family unity and such efforts should be made to ensure that separated children or family members are re-united or given foster families. The UHRC noted the major challenge of separation of family members due to the outbreak of war as they fled from their countries. As a result, the family members were registered and allocated land separately. The UHRC acknowledges the efforts of the OPM and other international agencies like ICRC, Save the Children among others who

undertook the tracing of separated families and worked tirelessly to strengthen foster families to take care of the separated vulnerable members of society.

5.6.4.8 Unaccompanied minors

There were reports of many un-accompanied minors. However, UHRC was unable to establish the exact number. As a result there were reports of child headed families in the camps. In Nakivale and Oruchinga Refugee Settlements it was reported that there were no registers of missing family members so it was hard to establish the total number of unaccompanied minors and other vulnerable persons.

5.6.4.9 Security concerns

The UHRC was informed by the settlement management authorities in West Nile that they had separated the different tribes from South Sudan; that is: the Dinka and the Nuer to avoid a spill over of the conflicts they had back home.

The UHRC noted with concern that most of the refugee settlements visited in West Nile Region did not have police posts nearby. This needed to be addressed, because the refugees had to be secured while in Uganda. The only refugee settlements that had police posts were Lobule Refugee Settlement, Boroli settlement camp, Oruchinga Refugee Settlement and Rhino settlement camp which also had a police vehicle facilitated by OPM in terms of fuel. Lobule Refugee Settlement had only one Police Station that was fully facilitated with staff accommodation under construction and Oruchinga had five police posts serving 5,000 refugees. There were also allegations of refugees entering into Uganda from South Sudan while armed.

5.6.4.10 Deprivation of the right to work

Refugees, just like nationals have a right to work and should be employed without any form of discrimination. However, the UHRC learnt that not all refugees were employed. Those employed were mainly interpreters, to help in communication.

Furthermore, refugees were not able to do any form of agriculture because they alleged that the land given to them was not sufficient for cultivation and that they did not have enough tools and seeds.

Member of the Commission, Mr. Stephen Basaliza (Front Centre) flanked by UHRC officials (Front Left) and some of the refugees at Lobule Refugee Settlement

5.6.4.11 Price discrimination

Refugees complained about price discrimination in the markets. It was alleged that Ugandan nationals (neighbouring host communities) tended to hike prices of their merchandise each time a refugee wanted to buy.

Some of the refugees at a market in Baratuku, Adjumani District

In Nakivale and Oruchinga Refugee Settlements there were reported cases of alleged discrimination of refugees regarding allocation of land pieces. Refugees complained about the land allocation process, where Government allegedly gave some families big chucks of land while others got small ones.

In addition, UHRC was informed that refugees at Baroli Settlement camp, in West Nile accused the host community of witchcraft. By the time UHRC monitored the refugee settlement, the conflict was being handled by the Camp Commandant.

5.6.5 Recommendations

1. Office of the Prime Minister should consider addressing the issue of family reunification because it is key.
2. Office of the Prime Minister and all stakeholders should apply the human rights based approach to refugee humanitarian assistance and ensure that the rights of refugees are promoted and protected.
3. Ministry of Health and Ministry of Education and Sports should construct and upgrade more health centres and schools respectively in refugee settlements to cater for the overwhelming numbers of refugees.
4. Refugees should know that rights go hand in hand with responsibilities and thus are required to respect laws and regulations of Uganda and avoid any form of illegal Acts.
5. Uganda Police Force should establish police posts in refugee settlements to help keep law and order.
6. Government through the Office of the Prime Minister should ensure that there is social cohesion in these refugee settlements in order to enhance harmony.
7. Refugees should also learn to live peacefully with others while in Uganda and the host communities should also co-exist with the refugees

CHAPTER 6
HUMAN RIGHTS CONCERNS IN FISHING COMMUNITIES IN UGANDA

6 INTRODUCTION

UHRC is mandated by Article 52(1) (h) of the Constitution of Uganda to monitor Government's compliance with international treaty and convention obligations on human rights and to perform such other functions as may be provided by law. UHRC undertook a special monitoring exercise to establish the level of enjoyment of human rights by fishing communities in the country.[186] This followed a request from the Parliament of Uganda to investigate alleged harassment and arbitrary killings of fishermen. However, the UHRC investigation was broader covering all human rights challenges facing fishing communities.

This Chapter presents findings on the level of enjoyment of human rights by fishing communities; identifies challenges; and makes recommendations in that regard. The chapter documents a wide range of critical issues affecting fishing communities and their implications for the realisation of human rights; identifies human rights violations and abuses as well as actions necassary for promoting the enjoyment of human rights by fishing communities.

Some of the human rights issues pertinent to the fishing communities in Uganda and are highlighted in the chapter as key areas of concern are: cases of illegal detention, arbitrary arrests, high HIV/AIDS rates, child labour, forced labour and unsafe working conditions, and violence and personal security, including gender-based violence.

6.1 LANDING SITES/ ISLANDS INSPECTED

UHRC made monitoring visits to different parts of the country where fishing communities live, including various Islands and landing sites. The 25 districts visited were Kasese, Kayunga, Buvuma, Jinja, Kampala, Wakiso, Masaka, Kalungu, Rakai, Kalangala, Nakasongola, Buikwe, Mukono, Kamuli, Mayuge, Busia, Kaliro, Namayingo, Buyende, Kaliro, Bugiri, Mpigi, Amolatar, Mukono and Kaberamaido. (Refer to Annex 9 indicating the fishing villages that were monitored by the UHRC in 2014).

6.2 LEGAL FRAMEWORK

At the international level, Uganda is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),[187] the Convention on Biological Diversity (CBD),[188] and is a Member of the World Organization for Animal Health (OIE). These international instruments contain provisions on access to, control and conservation of biological diversity and genetic resources including wild species of flora and fauna. UHRC notes that much as there is no exhaustive human rights framework on the rights of fishing communities, they are entitled to all human rights like any other human beings. In addition, given their high levels of vulnerability and high dependence on water resources, they are entitled to affirmative action.

[186] A fishing community can be described as 'a group of people that substantially depends on harvesting fish, or as a socio-economic group of persons living together in a locality and deriving their livelihood directly or indirectly from fishing.' Excerpt from 'Most At Risk Populations – Fishing Communities and HIV/AIDS in Uganda; Synthesis of Information and Evidence to inform the Response' by Uganda HIV/AIDS Knowledge Management and Communications Capacity Initiative June 2014.

[187] CITES recognises that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth, which must be protected by States for the present and future generations.

[188] Article 15 of the CBD requires Contracting Parties, to put in place legislative, administrative or policy measures to facilitate access to genetic resources and ensure fair and equitable sharing of any benefits arising from their use.

The human rights of fishing communities are discussed in relation to issues that affect them including child labour as prohibited by Article 32 of the CRC; forced labour which contravenes Article 4 of Universal Declaration; illegal arrests, deprivation of liberty, life and security of person all prohibited by the ICCPR. UN CAT; CEDAW; CESCR are all relevant as they have provisions for protection of all other rights that were at stake among the fishing communities.

At the regional level, the ACHPR, the African Convention on the Conservation of Nature and Natural Resources and the Convention on International Trade in Endangered Species of Wild Flora and Fauna are key mechanisms for the management of fish resources on the continent.

At the national level, the legal framework on fishing to manage fish resources in Uganda is extensive. The laws and regulations include; the Fish Act (Cap 197), the Fish (Aquaculture) Rules (No.81 of 2003) (19 May 2003), the National Environment Statute (Statute No. 4 of 1995), National Environment (Wetlands, River Banks and Lake Shores Management) Regulations (No. 3 of 2000) and the National Fisheries Policy for Uganda, 2004 among others. The Fish Act (Cap 197) is the main legislation managing fisheries in Uganda.

6.3 KEY FINDINGS ON POSITIVE STEPS TAKEN TO REALISE THE RIGHTS OF FISHING COMMUNITIES

UHRC noted that commendable efforts have been undertaken by the Government and development agencies to address the plight of fishing communities in order to enhance respect for human rights. An analysis of the rights in issue based on the UHRC findings is presented below, starting with those on which positive developments have been registered.

6.3.1 Right to clean and safe water

There were noticeable efforts to provide clean and safe water and to improve sanitation facilities through a number of activities including construction of gravity flow schemes, repairing faulty water systems, setting up shallow wells, installing rain water harvest tanks and construction of public toilets. Other commendable efforts have also been towards capacity building through promotion of community based management, sanitation and hygiene.

Places where these efforts were evident include Tubi in Mugoye sub-county, Jaana in Bubeke sub-county, Lwabaswa in Bujjumba sub-county where water supplies have been developed and were found operational. Construction of shallow wells and rain harvesting systems were noted in Buyange, Lyampanga sub-county, Lyabyata sub-county, Bubeke sub-county where rain water tanks have been installed, Kafuna and Bbanda where shallow wells have been constructed.

Toilets have also been constructed at Tubi, Nkose, Kibuye and Kaazi to improve sanitation. Furthermore, at Musubi landing site a water treatment plant had been donated by Water Mission Uganda and every resident are charged UGX 50 whenever they want to fetch water. However the team was informed that the water treatment plant is not supplying adequate water for the community since some residents still fetched the water from the lake for home use. At Bukungu landing site however each resident was charged UGX 100 per jerrycan of water but most of them could not afford to pay this amount.

An enclosed water treatment plant at Lyingo landing site. It lacks security to safeguard the solar panels for the water treatment plant.

A water treatment plant constructed by Water Mission Uganda at Bukungu landing site for the residents.

6.3.2 Right to education

Efforts have been made to increase access to quality education while ensuring equality of education for girls and boys. This has been done through construction of more classrooms, procurement of scholastic materials, and construction of teachers' houses. An example is Namatale Primary School on Namatale island, Muwema sub-county, Buvuma District, which had a number of newly constructed classrooms and latrines.

6.3.3 Right to health

While this is still an area that requires great attention, efforts have been taken to improve access to and quality of health care services through promotion, prevention, curative and rehabilitative health services in many landing sites and islands UHRC inspected. This has been done through stocking of health centres with essential drugs and supplies, training of village health teams (VHTs) and recruitment of more health workers coupled with incentives,including allowances for health workers in hard-to-reach areas. At Buvuma HC IV, a lot has been done to improve medicine stocks.

6.4 Key findings on areas of concern

Despite the positive efforts made, UHRC found that fishing communities lack most of the basic necessities of life including healthcare, access to justice infrastructure, transport means, education facilities and shelter which has negatively impacted on the enjoyment of their rights. The HIV/AIDS rates amongst fishing communities are reportedly high and sanitation is also poor with limited latrine coverage.

Passengers without life jackets disembark from an overloaded boat at Jaana Island in Kalangala District

The existence of a number of agencies operating to prevent or control illegal fishing was also blamed for the harassment meted out on fishing communities. UHRC established that there are uncoordinated enforcement activities on the lakes by different agencies, including Beach Management Units (BMUs), enforcement teams from the Minister of State for Fisheries, Uganda Revenue Authority, fisheries staff and marines who patrol the waters, officers of the Uganda Police Force, and at times UPDF officers of the Special Forces Group. Findings revealed that a number of these agencies take advantage of illegal fishing activities on the lake for personal benefit by terrorising fishermen involved in illegal fishing and extorting money from them, threatening arrest. There were also claims by fishermen that the teams from the office of the Minister of State for Fisheries normally confiscate fishing nets and later return them after extorting money from fishermen, or sell them off to fishermen.

6.4.1 Deprivation of the right to liberty

The findings during the monitoring on Lake Albert and Lake Victoria revealed that Ugandan fishermen who unknowingly cross international frontiers as they cannot tell the exact point where Uganda's territory ends, reported harassment, arrest and deprivation of property by security agencies from the Democratic Republic of Congo (DRC) and Tanzania respectively.

Fishermen crossing national borders frequently become victims of the tense relations between bordering states, especially when the delimitation in question is disputed. Arrests of fishers accused of illegal border crossings are frequent on Lake Victoria and Lake Albert, where some allegations of killings were made. While arrests arising from suspected illegal crossings are not in themselves a violation of human rights, detention of fishermen for extended periods of time without trial is. Some Ugandan fishermen complained of long detention when arrested while fishing in foreign waters, let alone the apalling places of detention.

The problem of long detention without trial was found to be the norm in most of the detention facilities located on the islands and majority of landing sites in Uganda. UHRC established that whenever a suspect is arrested from the islands, there are no available means to transport him/her to the nearest Police Station where he/she would be produced in the courts of law. Instead, such a suspect is detained on chains in a wooden cell at a police post and kept bound or fear of escape, for as long as the complainant did not raised money to transport the suspect to the station. (Refer to Chapter 2 for a comprehensive analysis of conditions in places of detention).

In places where police posts do not exist, such suspects are detained and bound to a tree using chains as they await some means of transport. However, transportation is very expensive. For example, transporting a suspect from Nkose island in Kalangala District to Kalangala Police Station would cost approximately UGX 150,000 on an ordinary boat and if a speed boat is to be used, the cost would shoot to about UGX 700,000.

Yet, it is not automatic that even if a suspect is transported to the main police station where the court is located, that such a suspect would immediately appear in court. Investigations revealed that at times, the magistrates may not be available and could take more than five days to appear in court. All these different scenarios deprive suspects of their right to a speedy trial.

Wooden police cells at Bubeke island in Kalangala district where suspects are at times kept on chains to prevent escape

UHRC received information that fishermen were at times subjected to severe beatings by the BMU personnel and authorised officers when allegedly found with illegal nets and immature fish. Numerous cases of harassment were reported by fishermen/women, including arbitrary arrests, assault, torture, confiscation of fish, confiscation of vehicles, destruction of boats and nets, and extortion of money. There were also allegations of sexual harassment. These acts were allegedly perpetrated by a number of actors, including marine police, fisheries officers and state minister's taskforce.[189]

There were reports of fishermen and fishmongers being harassed and / or intimidated at the sites, in water while fishing and also on their way to the market. Harassment was attributed to the fact that most personnel who are charged with law enforcement are more interested in extorting money from people than in creating order. There were reports that roadblocks are staged at strategic places where a minimum amount of UGX 10,000 is levied per fishmonger. UHRC also learnt that fish is confiscated without even checking whether or not it is of the recommended size. A fishmonger lamented that if lucky, the confiscated fish is returned after paying a fine, but sometimes the fish is never returned and is sold instead. Another fisherman at Kakyanga Island in Kalangala District made the following statement about fisheries officials:

"If they find you with immature fish, they will arrest you on grounds that the law does not allow it but even when they find you with big fish they will still arrest you on grounds that the big fish would have produced many young ones"

[189] This was established by the Minister of State for Fisheries to deal with illegal fishing practices.

There were reported cases of unlawful/flimsy arrests; for example at Bubeke island in Kalangala District where UHRC found four fishermen in detention because of alleged illegal fishing. These were Edward Sentamu 26; Eliaz Ashraf 18; Owen Brasto 18; and Yovan Musoke aged 27. They claimed that they were arrested on 3rd November 2013 on allegations that the hooks they were using were illegal, an accusation they denied. They said the arresting officers who were fisheries officials had first claimed they were only after the nets because they wanted to use them as mosquito nets. The suspects claimed that they were handcuffed the whole night at Bubeke and they had been deprived of their hooks worth UGX 1,250,000.

However, UHRC investigations established clearly that most of the respondents who alleged harassment by the marine police had indeed been involved in illegal fishing using '*Ponyoka*' boats and '*Kokota*' nets.[190] Ponyoka is a small boat commonly used for illegal fishing close to the shores due to its inability to sail deeper into the lake. *Kokota* (beach seine net) is a micro filament net used for indiscriminate fishing. It is similar in size to a mosquito net and can even the smallest/youngest fish.

According to information collected from the people interviewed, illegal fishing activities are thriving in Uganda, because of activities of corrupt BMUs, fisheries officials and marine police. These officials deployed on the lake to fight illegal fishing activities, but the vice continues because of corruption. When suspects are arrested for illegal fishing, some of the officials reportedly ask for money in order to release the illegal fishing gear. In case the suspects cannot pay bribes, the officials allegedly confiscate the gear, which they sell to other fishermen who carry on with illegal fishing activities.

These corrupt practices by officials who are charged with protecting water resources have allegedly promoted and perpetuated illegal fishing activities on the lake to the extent that water resources (fish) are almost getting depleted. Some of the fishermen interviewed at most of the landing sites UHRC visited said they prefer the illegal nets because the catch is usually higher. They explained that with illegal nets like *kokota*, one may catch fish worth UGX 50,000 in just one hour, yet with the recommended nets, one has to cast them and leave them in the lake overnight.

6.4.2 Alleged extra-judicial killings

UHRC encountered allegations of extra-judicial killings of fishermen, although the claims could not be independently verified. However, what came out clearly is that there are always confrontations on water between law enforcement agencies and fishermen which at times have resulted in cases of drowning. These confrontations were attributed to the unprofessional behaviour exhibited by law enforcement agencies.

There were reports of fishermen forming vigilante groups to fight enforcement officers. They blamed the Government for failure to streamline the operations of the different enforcement agencies. They claimed, for instance, that on 15th November 2013, a fisherman in Kalangala, one Friday Jockers drowned in the lake near Kachanga landing site while trying to evade arrest for illegal fishing. Consequently, members of the community threatened to burn the police post but the Kalangala District Police Commander (DPC) held a meeting with them and calmed them down. Police investigations in the matter are ongoing.

A case of drowning of a fisherman was reported to Kyagulanyi Police post as having occurred on 3rd June 2013 between Butulume and Mulabana landing sites. The deceased was identified by the nickname of *Bidco*. No post-mortem examination was carried out on the body. Another fisherman, one Mayiga of Mulabana drowned in the lake in February 2013 while he was using a small boat locally known as *'parachute'*. At Kasamba landing site, the UHRC got a report that a one Sambaga drowned and died in July 2013.

[190] Kokota is a type of illegal fishing net used by fishermen to catch immature fish.In Luganda '*kokota*' means 'to scoop'.

6.4.3 Safety on water and the right to life

During its investigations, UHRC interacted with many fishermen and women as well as other people that support them in their work. UHRC learnt that boat movements at night were very risky as the boats lacked head lamps. There were various reports of boats colliding or hitting rocks in the lake due to poor visibility and eventually capsizing causing death.

The safety of fishermen and women during work was also of major concern, as the lake sometimes turns turbulent at night and lives can be lost. UHRC discovered that the majority of people who are involved in fishing do not wear life jackets. This in itself puts their lives at a great risk and reports indicated that some have drowned. Even where life jackets were available, they were of poor quality and unlikely to prevent the wearer from drowning in case of a problem.

6.4.4 Poor working conditions

The conditions in which the fishermen and women work are very deplorable. By the nature of the trade, much of the work is done at night. Findings revealed that they work throughout the cold nights without any warm clothing and even when they return in the morning, they have to first sort their fishing nets before they can rest. The fishermen and women were found to be operating under 'conditions akin to slavery'; exposed to physical abuse, unsafe and unhygienic conditions and sometimes suffer harassment and arrest by law enforcement officers. This also applied to fish processors.

Some fishermen and women were found using small illegal boats popularly known as 'parachute' which can easily be overturned by strong waves leading to loss of lives. In fact, during the course of monitoring UHRC witnessed fishermen who were using these boats attempting to sail away whenever they spotted the speedboat carrying the UHRC team mistaking it to be a marine police speed boat. UHRC was informed of a tragedy similar to the one on Kachanga Island in Kalangala District[191] where one of the fishermen from Moone landing site in Nakasongola District drowned as he fled from the Marine Police's speed boat.

In many of the landing sites UHRC found several fishing boats operating under cover to avoid being monitored and apprehended for working outside of the law. UHRC discovered that most of those involved in illegal fishing were lured by promises of attractive pay, but they eventually got trapped in debt and coercion and found themselves neglecting minimum standards of safety, sanitation and work conditions in order to maximise returns. UHRC learnt that most of the fishermen/women work for richer ones and are only paid very low wages which they spend in prostitution or on alcohol. This could partly explain the high incidence of HIV/AIDS in the fishing communities.

This state of affairs has made the fishing population highly dependent as it has no savings to fall back to in case of declines in the fish catch. This situation also makes the fishing population highly vulnerable in terms of survival and ability to demand for their rights. In some cases some fishermen/women have been detained on suspicion that they had cheated their employers by selling some of the catch. For example, while carrying out routine inspections, UHRC came across some suspects in Kalangala Prison, Kalangala Police Station, Kachanga Police Post in Kalangala District, who were facing charges of stealing and selling fish belonging to their bosses while still on the waters.

[191]Refer to Chapter 5 Section 6.4.2.

Another case was reported in Mulabana, Kalangala District where three breastfeeding women were arrested and detained at Kalangala Police Station simply because their husbands, who had allegedly been involved in illegal fishing, had evaded arrest. They were later released at the intervention of UHRC.

In terms of sanitation, most of the landing sites lack sufficient facilities. Some landing sites lack pit latrines due to weak soils that do not support pit latrine construction. It is a common practice on some of these landing sites to find adults defecating in the lake. Latrine coverage is so low that a population of 3,000 may have only one latrine stance. On some islands such as Kibibi, Namatale and Lufu in Buvuma District, the latrine coverage is very low and human waste is scattered all over the place. Poor sanitation in turn leads to poor health among fishing communities.

The only latrine at Lubango landing site shared by 232 residents

6.4.5 Cases of child labour

UHRC also established that children were engaged in fishing activities, many of which may be regarded as child labour as it prevented them from going to school. A number of children were found either fishing or sorting out nets after fishing. The girl-child has been the most affected by fishing activities. UHRC found that many young girls possibly in their early teens were involved in child prostitution. Some had their own babies, whom they were carrying around, while others had been infected with HIV/AIDS.

6.4.6 Sexual and gender based violence

Sexual and gender based violence (SGBV) was widespread amongst fishing communities. Records at most police stations and police posts that UHRC inspected showed an increase in cases of SGBV such as rape, defilement and assault. Approximately 90% of female suspects found in police cells had been arrested for assault and causing grievous bodily harm. UHRC established from the police that most of the fights between women and men were over lovers or prostitutes.

Local leaders informed UHRC that most relationships amongst fishing communities were temporary lasting only for as long as the man had money. Consequently, it was common to find people moving from one relationship to another, which was partly to blame for the high SGBV incidences.

6.4.7 HIV/AIDS

Most of the fishing communities have been affected by the HIV/AIDS pandemic. Information from most health centres revealed that at some landing sites the prevalence rates are as high as 49%.[192] This situation can be attributed to the lifestyles at most landing sites and the lack of information about HIV/AIDS and its dangers. There is a lot of moral decadence on most of the landing sites, community life revolves around fish, prostitutes and alcohol. At most of the islands and landing sites such as Namisoke and Kisabo in Kalangala district, female prostitutes were found operating brothels with the full knowledge of local leaders and area police. The presence of these brothels has contributed to escalation of HIV/AIDs rates amongst fishing communities.

A key area of concern was the absence of HIV/AIDS counselling and testing services. Consequently, many people do not get to know their sero-status early enough to live positively and protect others. On some of the islands UHRC visited, there were reports of people using polythene bags as condoms to prevent infections. Limited access to ARVs for those in need was another big challenge. It was reported that Kalangala District runs only one Anti-Retroviral Treatment (ART) outreach activity per month in the islands.

6.4.8 Inadequate access to quality education

Children living in fishing communities are some of the most disadvantaged in as far as access to education is concerned. The majority of schools lack basic instruction materials and qualified teachers, are located in hard-to-reach and hard-to-stay areas. The disproportionate distribution of these schools on the landing sites and islands also affected access to them. For example, Kyamuswa county in Kalangala District with 81 islands, has only 11 schools. UHRC noted that some islands have no schools and children have to use boats to access those located on other islands, which is very expensive. As a result, most children drop out of school.

6.4.9 Limited access to health services

Limited of access to health services amongst fishing communities is another key concern. Health centres are also disproportionately distributed, raising the problem of accessibility. In case there is no health centre on an island, one has to spend a lot of money to access healthcare at another island. The means of transport are also infrequent and in case of referral or an emergency, one could die. Sometimes because of little or no supervision, some health centres remain closed during working days. This could also be due to the fact that there are few health workers in the units.

6.4.10 Food insecurity

Although fisheries plays an important role in advancing national economic development and trade, there is need to sustainably reduce the high levels of poverty and hunger among populations where fisheries are an important source of income. During its monitoring visits, UHRC established that some fishing communities were experiencing chronic hunger and this had a serious bearing on the enjoyment of the right to adequate food. Therefore, there is need for a balance between decisions regarding access to the fish resource and the right of the poor to fish for food. In this regard, profit maximisation and economic efficiency are no longer sufficient goals. They need to be supplemented with ideas of corporate social responsibility, distributive justice and rights to food, to ensure that local communities enjoy the benefits of fishing and fish trade. While the fishermen generally catch a lot of fish, it is surprising that when one visits the islands or landing sites it is rare to find fish prepared as food. Much of it is sold to earn money. This could imply that there are dietary deficiencies among fishing communities despite the fact that fish is one of the most sufficient in food nutrients.

[192] Uganda Aids Commission Report 'Uganda HIV Modes of Transmission and Prevention Response Analysis' 2009. Studies show that HIV prevalence is 15-40% in fishing communities in Uganda.

6.4.11 Inadequate community participation in leadership issues

UHRC learnt that BMU were established to involve and facilitate the participation of fishermen/women in the planning, management and development of fisheries resources. BMUs are purely constituted by members elected amongst fishermen/women at each landing site. The process was managed by regulations developed and enforced by the central Government. In Uganda, legislation to provide legal status for BMUs was passed in 2003 upon realising that the then centralised approach was ineffective. The major objective was to enable all stakeholders to work together for sustainable fisheries management and improve livelihoods of fishing communities.

Besides policing fellow fishermen to curb illegal fishing, BMUs are also involved in revenue collection on behalf of the Government. UHRC was informed that the under-sized fish are often seized and exported to neighbouring countries or sold locally. Government's proactive measure of creating BMUs has helped to control illegal fishing on the lake. Despite the spirited fight through routine burning of illegal nets and tonnes of immature fish, illegal fishing activities persist.

UHRC, was also informed that some members of the BMUs are notorious for harassing fishermen by organising attacks on neighbouring beaches or landing sites; confiscating the fish and nets; and assaulting them while on water. UHRC also learnt that some BMU officials are reportedly corrupt, as they extort money from the fishermen/women and fishmongers and also sell confiscated fishing gear.

6.4.12 Gaps in the existing policies for the fishing industry

There is a lacuna in the existing policies for the fishing industry in as far as protection of the rights of the fishing communities is concerned. In addition, the most serious human rights violations that UHRC discovered during monitoring its visits revealed a connection to poverty and social exclusion. Yet, inspite of the challenges faced by the fishing communities; they have received strikingly little attention in discussions on policy, legal and institutional reform in the fishing sector.

UHRC was informed that the plight of fishing communities in Uganda over the years have not been adequately addressed.[193] Policy prescriptions for addressing the crisis in fisheries have reportedly centred on strengthening fisheries governance, principally through state action to combat illegal fishing by designating exclusive individual or community rights of access to fishing waters. While these legal and policy reforms have in the long run prevented illegal fishing, they have had little effect on the depletion of fish stocks, degradation of the aquatic environment and reduction in the economic and nutritional contributions of fisheries.

There were reports of high unemployment rates among fishing communities as a result of depletion of fish in Uganda water bodies. Furthermore, UHRC was informed that when policies that affect fishing communities are being formulated, the community members are never consulted as rights' holders and yet their livelihoods entirely depend on fishing activities.

At Kasensero landing site in Rakai District, Kawongo landing site in Kayunga District as well as Lubya island and Kilewe landing sites in Buvuma District, the issue of property rights took centre stage in respect of economic efficiency and livelihood security. Fishing communities were concerned specifically with fishing rights, based on a search for greater economic efficiency in resource use. They argued that to become sustainable and profitable, the fishing industry must move towards management that allows restriction on who can have access to the water bodies where fishing activities take place, or how much fish each catch can take.

[193] W. B. Lugoloobi L.C.V chairperson Kalangala district 'Human Rights Concerns in Fishing Communities in 2015' Presentation at UHRC Consultative meeting for the 17th Annual Report at Speke Resort Munyonyo on 27 January 2015.

From a human rights perspective, the existing polices neither clarify nor enforce rights to ownership and/or access to fisheries resources by fishing communities. This is why a majority of landing sites that the UHRC inspected attributed the declining fish stocks to disempowerment of the communities themselves to an extent of developing of an 'I-do-not care attitude'.

Policies on fishing need to address the issue of Government managing landing sites with BMUs. There is need for a policy that clearly defines the fishing rights; those that can be devolved to individuals and communities. This would ensure that the fishing communities are in position to enjoy their rights; the pertaining risks would be limited; and there would be stability in catch management and greater incentives for sustainability.

6.5 Recommendations

1. Ministry of Education and Sports, Ministry of Health and Ministry of Local Government should extend social services to fishing communities through construction of schools, health centres, sanitation and hygiene facilities.

2. Ministry of Agriculture Animal Industry and Fisheries and Ministry of Water and Environment should address over-exploitation of water resources that threatens resource sustainability though strict enforcement of existing laws, policies and regulations.

3. Government should support empowerment of fishing communities, both through their social inclusion and building their capabilities to survive even outside the fishing business. The need for alternative means of survival needs to be considered.

4. Justice, Law and Order Sector should support improvements in the broader governance context including access to justice through creation of more police posts, adequate facilitation of Justice, Law and Order Sector institutions dealing with fishing communities.

5. Ministry of Agriculture, Animal Industry and Fisheries should integrate responsible fisheries policies in the National Development Plan with wider poverty reduction policies and provide appropriate allocation of central and local Government budgets.

6. Ministry of Agriculture, Animal Industry and Fisheries and Uganda Revenue Authority should block the importation of illegal fishing nets into the country so as to minimise their use. The ban should also be extended to all materials that can be used to make illegal nets.

7. Ministry of Agriculture, Animal Industry and Fisheries should strengthen and streamline the operations of the various stakeholders involved in fish management such as the District Fisheries Officers, Beach Management Units, Uganda Police Force and Law Enforcement Officers from the State Minister of Fisheries office.

8. The Uganda Police Marine Force should require every person operating on water to put on a life jacket and should strictly enforce the law on wearing life jackets while on water.

9. The capacity of the security personnel who operate among fishing communities should be enhanced with critical skills such as swimming and they should be provided with the appropriate equipment.

10. Community empowerment programmes by Human Rights Actors should encompass the human rights, duties and responsibilities of communities. The tendency for community members to sit and wait for the Government to take all decisions and provide everything should be fought.

CHAPTER 7

ACCESS TO ESSENTIAL HEALTH SERVICES AND REALISING HEALTH RELATED MILLENNIUM DEVELOPMENT GOALS

7 INTRODUCTION

The Millennium Development Goals (MDGs) are eight international development goals that were derived from the rights enshrined in the UN Millennium Declaration 2000. They were a blueprint agreed on by the 189 UN member states then and 20 international development institutions, to achieve targets that were set to reduce poverty by 2015 with specific emphasis on human capital, infrastructure and human rights.[194]

The nexus between the MDGs and human rights is globally acknowledged as they are mutually reinforcing, complementary and provide a mechanism to hold the state parties to account as the primary duty bearer.[195] Each MDG ascribes obligations based on human rights standards and provides benchmarks for measuring its progressive realisation. The health-related MDGs 4, 5 and 6 focus on reducing child mortality; improving maternal health; and combating HIV/AIDS, Malaria and other diseases respectively.

The Government and other stakeholders have undertaken periodic assessments to determine the level of progress in the realisation of health rights targets guaranteed under the MDGs. Since the MDGs were targeted for 2015, the focus is already on the post-2015 development agenda with an overarching goal of 'universal health coverage' and strategies are being made on how to ensure that all people will have coverage and access to health services as well as financial risk protection for paying for care.[196]

The UHRC, as the national human rights institution has a constitutional mandate to protect and promote all human rights including the right to health. In this regard, the UHRC since its inception has monitored the state of health rights in the country through, among other activities, inspections of health facilities. It is on that premise that UHRC is one of the key accountability mechanisms to monitor and review progress on the agreed health rights commitments and targets guaranteed under the MDGs 4, 5 and 6. With the 2015 deadline approaching, UHRC focused on MDGs to assess how Uganda was faring given their critical impact on the realisation of the right to health and the progress in the provision of related essential health goods and services.

7.1 LEGAL FRAMEWORK

Uganda has ratified various instruments at the international, regional and national levels that provide for and safeguard health rights including those guaranteed under MDGs 4, 5 and 6.

7.1.1 International legal framework

Every human being is entitled to the enjoyment of the 'highest attainable standard of physical and mental health.'[197] In this context the right to health has been interpreted to include timely and appropriate healthcare as well as the underlying health determinants.[198] The right to health is closely related to and dependent

[194] http://www.un.org/millenniumgoals/ and http://en.wikipedia.org/wiki/Millennium_Development_Goals Last accessed 10 February 2015.

[195] OHCHR and End Poverty 2015 Millenium Campaign 'The Millenium Development Goals and Human Rights,' 1.

[196] J. Mugisha, Senior Planner Ministry of Health 'Access to Essential Health Goods and Services and Realising MDG 4 and 5 in Uganda in 2014' Presentation at UHRC 17th Annual Report Consultative Meeting held at Speke Resort Munyonyo, 28 January 2015. The Ministry of Health submitted an issues paper for this goal of universal coverage to be incorporated in the National Development Plan II and the upcoming Health Sector Strategic Investment Plan III.

[197] Article 12 of the CESCR.

[198] n 49 above, General Comment No 3. Underlying determinants of health include access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health.

upon the realisation of other human rights, such as the right to life, education, adequate housing, food, clean water and non-discrimination, among others.

Uganda is obliged to achieve full realisation of this right with regard to children through the provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child.[199] The right to maternal health is guaranteed under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which obliges states parties to take all suitable measures to eliminate discrimination against women in healthcare and ensure that women access appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary.[200]

In response to the HIV epidemic, the International Guidelines on HIV/AIDS and Human Rights (2006) provide that states should take measures necessary to ensure for all persons on a sustained and equal basis, the availability and accessibility of quality goods, services and information for HIV prevention, treatment, care and support, including antiretroviral and other safe and effective medicines, diagnostics and related technologies for preventive, curative and palliative care of HIV and related opportunistic infections and conditions.[201]

The right to health is also provided for under other UN treaties including the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention on the Rights of Migrant Workers (CMW) and the Convention on the Rights of Persons with Disabilities.

7.1.2 Regional legal framework

The ACHPR requires state parties to take the necessary measures to protect the health of their people and to ensure they receive medical attention when they are sick.[202] In addition, the ACRWC and the Protocol to the African Charter on the Rights of Women in Africa (2003) oblige state parties to provide adequate, affordable and accessible health services and to ensure the provision of necessary medical assistance and health care to women and children.[203]

A number of declarations that impact on the right to health care have been made including: the Abuja Declaration and Plan of Action on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases (2001) and the Maputo Declaration (2003), which guarantees the respect and promotion of the right to health for women in Africa including the right to sexual and reproductive health.

7.1.3 National legal framework

There is no explicit provision for the right to health under the Bill of Rights of the 1995 Constitution of Uganda. However, Objective XIV (b) provides that the state shall endeavour to ensure that all Ugandans shall enjoy the right to access health services.[204]

Other laws and policies that have a bearing on MDGs 4, 5 and 6 include the National Drug Policy and Authority Act Cap 206; the National Medical Stores Act Cap 207; the National Development Plan 2010/11-2014/15 (NDP); National Health Policy 2009 (NHP); the Health Sector Strategic Plan III 2010/11-2014-15 (HSSP III); the Reproductive Health Policy (RHP). Others are the National Adolescent Health Policy 2004;

[199] Article 24 of the CRC.

[200] Article 12 of the CEDAW.

[201] Guideline 6 of International Guidelines on HIV/AIDS and Human Rights (2006).

[202] n 202 above, Article 16.

[203] n. 97 above, Article 14. This right stated under Article 14 of the Protocol to the African Charter on the Rights of Women in Africa.

[204] n 132 above, Objective XIV.

Reproductive Health Maternal, New-born and Child Health (RHMNCH) Sharpened plan 2013; the 2006 National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights; National HIV/AIDS Policy and the National HIV Prevention Strategy (2011-2015).

7.2 MONITORING THE RIGHT TO HEALTH

In fulfilment of its constitutional mandate the UHRC inspected 538 health facilities in 2014 comprising of 178 Health Centres (HC) IIs, 249 HC IIIs, 77 HC IVs and 34 Hospitals. (Refer to Annex 10 for all the health facilities UHRC inspected in 2014). Of the 538 health facilities inspected, 43 were private and Private Not-for-profit (PNFP). The total number of health facilities in the country in 2014 was 1,618 HC IIs, 936 HC IIIs, 206 HC IVs and 58 hospitals. Table 7.1 shows the number of health facilities that UHRC inspected by UHRC per regional office in 2014.

Table 7.1: Health facilities inspected by UHRC by regional office

REGIONAL OFFICE	HCIIS	HCIIIS	HCIVS	HOSPITALS	TOTAL
Arua	10	31	02	06	**49**
Central	18	35	10	08	**71**
Fort Portal	27	33	06	04	**70**
Gulu	32	31	10	01	**73**
Hoima	14	13	03	02	**32**
Jinja	20	28	12	04	**64**
Masaka	12	09	11	02	**34**
Mbarara	07	18	10	02	**37**
Moroto	31	23	04	02	**60**
Soroti	07	28	09	03	**47**
Total	**178**	**249**	**77**	**34**	**538**

Table 7.2 presents the total number of health facilities inspected by the UHRC from 2012 to 2014.

Table 7.2: Number of health facilities inspected by the UHRC from 2012 to 2014

YEAR	HC IIS	HC IIIS	HC IVS	HOSPITALS	TOTAL
2012	93	155	57	24	**329**
2013	112	188	54	20	**374**
2014	178	249	77	34	**538**

Figure 7.1: Number of Health Facilities inspected by the UHRC from 2012 to 2014

As indicated in Figure 7.1 above, the number of health facilities inspected by the UHRC has risen in the past three years from 329 in 2012 to 374 in 2013 and to 538 in 2014, representing an increase in UHRC inspections of health facilities from 13.7% to 43.8%. This steady increase in inspections over the past three years is attributed to the decentralisation of UHRC services through the establishment of Masaka and Hoima regional offices and the field offices in Kalangala and Moyo districts.

7.3 HEALTH COMPLAINTS HANDLED IN 2014

In 2014, UHRC received 12 complaints of alleged human rights violations of the right to health and discrimination on the grounds of HIV/AIDS. This was an increase from the five complaints received in 2013 and five in 2012. This is attributed to the improved health rights sensitisation and awareness programmes by the UHRC. Of the complaints received in 2014 by UHRC, 5 were on denial of access to medical treatment; six were on medical negligence; one on discrimination on the grounds of HIV/AIDS. The respondents were Government institutions[205] (five), Government health facilities (five) a private health facility (one) and a company/business (one).

7.4 STATUS OF HEALTH RELATED MDGS IN UGANDA

This section highlights Uganda's progress in 2014 towards attaining MDG 4, 5 and 6 and the national targets.

7.4.1 MDG 4: Reduce Child Mortality

7.4.1.1 Target 4.A: Reduce by two thirds between 1995 to 2015, the Under Five Mortality Rate (U5R)

Under-five mortality rate is the probability per 1,000 that a newborn baby will die before reaching age five.[206] Since 1995, there has been progress in the reduction in the under-five mortality rate from 156 deaths per 1,000 live births to 137 deaths per 1,000 live births in 2005 and to currently 90 deaths per 1,000 live births.[207] However, this is still below the Health Sector Strategic Investment Plan III (HSSIP) target and MDG 4 target of reducing the under-five mortality rate by two thirds, between 1990 and 2015, to 56 per 1,000 live births.

The *infant mortality rate* (IMR)[208] currently standing at 54 deaths per 1,000 live births is still below the MDG target of 31 deaths per 1,000 live births and the HSSIP target of 41 per 1,000 live births. The top four causes of under-five mortality in FY 2013/2014 were Malaria (28.8%), Pneumonia (13%), Anaemia (11.6%) and perinatal conditions in new born babies 0 to 7 days (7.9%).[209]

Neonatal mortality rate (NMR) refers to the number of new born babies dying before reaching 28 days of age, per 1,000 live births in a given year.[210] This indicator is important because of the high level of risk of death and long term disability for the baby and mother within the first 30days after child birth.[211] There has been slow progress on NMR currently at 27 per 1,000 live births, compared to the HSSIP target of reducing it to 23 per 1,000 live births by 2015.[212] Comparison in the East African region shows Tanzania NMR at 21 per 1000 live births while Kenya's like Uganda's NMR is at 27 per 1,000 live births.[213]

[205] The complaints were mainly made against Government places of detention such as the Uganda Prisons Services and Uganda Police Force.

[206] http://www.who.int/gho/child_health/mortality/mortality_under_five.../en/. Last accessed 19 January 2015.

[207] Uganda Demographic Health Survey 2011.

[208] n 206 above. Infant mortality rate is the number of infants dying before reaching one year of age, per 1,000 live births in a given year.

[209] Annual Health Sector Performance Report (AHSPR) 2013/2014, 9.

[210] n 206 above.

[211] As above.

[212] n 209 above.

[213] http://www.data.unicef.org. Last accessed on 19 January 2015.

The two most common causes of Neonatal mortality in 2014 were birth asphyxia[214] (36%) and prematurity complications (23%).[215]

7.4.2 MDG 5: Improve Maternal Health

7.4.2.1 Target 5.A: Reduce by three quarters between 1990 and 2015, the Maternal Mortality (MMR)

Maternal mortality rate refers to the number of women who die during pregnancy and childbirth per 100,000 live births. The maternal mortality rate was at 438 per 100,000 live births, which is far below the MDG 5 and HSSIP target of 131 per 100,000 live births.[216] This translates into an annual decline rate of 5.1% and an average of 18 women dying every day. In the region, Kenya's MMR is at 400 per 100,000 live births while Tanzania's MMR is at 460 per 100,000 live births.[217]

The top causes of maternal deaths were haemorrhage (36%), pregnancy related hypertension (15%), uterine rapture (11%), abortion related complications (10%) and HIV/AIDS (4%). The underlying causes of maternal death in 2014 were related to delays by mothers in seeking healthcare; reaching the health service point and receiving adequate health care during child birth.[218] It is worth noting that the proportion of births assisted by a skilled health worker rose from 38% in 1995 to 58% in 2011.

7.4.2.2 Target 5.B: Achieve, by 2015, universal access to reproductive health

The target on universal access to reproductive health which had been excluded as a specific goal in 2000 was added in 2007. Uganda's progress in meeting this target has been relatively slow. Although the contraceptive prevalence rate doubled from 15% in 1995 to 30% in 2011, it is still below the HSSIP target of 41%. The unmet need for family planning i.e. the proportion of all married women or those with a partner (age 15-49 years) who wished to delay or avoid pregnancy but did not use any contraceptive increased from 22% in 1995 to 34.3% in 2011, compared to the target of 20%.

Uganda is still ranked as having one of the highest rates of adolescent pregnancy in sub-Saharan Africa. The overall teenage birth rate (or the proportion of birth per 1000 women aged 15-19) gradually declined to 35 per 1000 live births in 2011 from 204 per 1000 live births in 1995. On antenatal coverage, the proportion of pregnant women who made the WHO recommended minimum of four antenatal visits in 2013/2014 was 32.4% lower than the HSSIP target of 55%.[219]

7.4.3 MDG 6: Combat the spread of HIV/AIDS, Malaria and other diseases

7.4.3.1: Target 6.A: Have halted by 2015 and begun to reverse the spread of HIV/AIDS

There has been a reversal of trends towards achieving the MDG 6 target due to the increase in HIV prevalence rate from 6.4% in 2005 to 7.3% in 2011, mainly attributed to behavioural practices. The HIV burden (number of people in the country living with HIV) increased from 1.2 million in 2011 to 1.6 million in 2013.[220]The trend of new HIV infections (incidence) has been declining over the last three years from 162,294 in 2011 to 154,589 in 2012 and to 140,908 in 2013. However, this is still far from the NSP target

[214]Asphyxia is characterized by an inability of an individual to acquire sufficient oxygen through breathing for an extended period of time. It can cause coma or death.

[215]n 215 above.

[216]MDG Country Assessment Report 2013.

[217]World Bank Country Reports for Kenya (2014) and Tanzania (2012).

[218]Maternal and Perinatal Death Review 2009-2013.

[219]n 215 above, 11

[220]As above, 97

of 71,510. The percentage of people with comprehensive knowledge about HIV/AIDS transmission has increased although it remains low especially among the 15-24 age group which was at 34.8% in 2011.

7.4.3.2 Target 6.B: Achieve, by 2010, universal access to treatment for HIV/AIDS for those who need it

According to the Annual Health Sector Performance Report 2013/2014, the proportion of people who are on ARV treatment increased from 72% in 2012 to 83% in 2013 among adults and from 35% to 41% in children aged below 15 years. The proportion of pregnant women accessing the comprehensive Prevention of Mother to Child Transmission (PMTCT) package increased from 25% to 80% in FY 2013/2014. The provision of voluntary counselling and testing services increased from 36.4% in 2011 to 58.2% in 2013.[221] In its national strategic plan for HIV/AIDS Uganda had planned to provide ARV drugs to 80% of those in need by 2015. However, the indicator stood at 62%.[222] Statistics on condom usage by 15-24 year olds was 56% for females and 51% for males.

7.5 HUMAN RIGHTS ISSUES IN THE REALISATION OF MDGs 4, 5 AND 6 IN 2014

Accessibility to essential health goods and services is crucial for delivery of quality healthcare. Uganda as a state party to the CESCR, has a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant. These include: essential primary health care; essential medicines; essential health supplies, right of access to health facilities, goods and services on a non-discriminatory basis; ensure equitable distribution of all health facilities, goods and services; and access to adequate supply of safe and portable water among others.[223] The concept of *access* is critical for it is not just about the existence of healthcare commodities, but the ability for all patients to access them physically and financially, in suitable conditions, and in a sustainable and non-discriminatory manner.

Uganda's progress in 2014 towards ensuring access to essential health commodities and the resultant human rights implications towards the realisation MDGs 4, 5 and 6 are analysed below.

7.5.1 Availability of adequate health infrastructure

The Ministry of Health (MoH) infrastructure guidelines require the availability of a network of functional, efficient and sustainable health infrastructure for effective health services delivery closer to the population in need.[224] Health infrastructure comprises of buildings, (wards, theatres, plants, staff accommodation and health care waste facilities) equipment and transport.[225] The status of health facilities in Uganda is classified into four categories namely: functional, unfunctional, under renovation and completed.[226]

1) Constructions and renovations

During its inspections in 2014, UHRC found functioning infrastructure as well as ongoing construction and rehabilitation at health facilities inspected. Functioning infrastructure noted included: outpatients departments (OPDs), wards (general, female, male, children, and maternity wards), waste disposal (placenta pits, medical waste pits and toilets/latrines), staff housing units; and operating theatres among others.

[221] L. Tayebwa, Uganda Aids Commission 'MDG 6: Combat HIV/AIDS, Malaria and other diseases' Presentation at UHRC 17th Annual Report Consultative Meeting held at Speke Resort Munyonyo, 28 January 2015.

[222] As above.

[223] n 197 above.

[224] Ministry of Health Guidelines for Designation, Establishment and Upgrading of Health Units, 2011.

[225] Ministry of Health Second National Health Policy 2010, 24.

[226] Ministry of Health Facilities Inventory 2012, 1-2. Functional refers to those facilities that were operational; Unfunctional are those facilities that have basic infrastructure but are not operational for reason of conflict, lack of staff and equipment but there are plans to make them operational. Completed are those which were not operating either due to lack of medicines or staff but there are plans to make them operational while units that are indicated to be under construction are those that are still being developed. The extent of functionality of health facilities could not be determined in 2014 due to the ongoing mapping and tracking of functionality of all health facilities in Uganda by the Office of the Prime Minister and the Ministry of Health.

Of the 538 health facilities inspected, 48 had constructed new facilities while 29 had made renovations. In comparison in 2013, out of 374 facilities inspected, 34 had new facilities and 23 had been renovated. Of the 538 health facilities inspected, 185 had maternity wards and 298 had general wards including children's wards. (Refer to Annex 10 on availability of wards in selected health facilities inspected by the UHRC). UHRC also established that 477 health facilities inspected had been constructed with ramps or without stairs to ease physical access by persons with disability, older persons and immobilised patients. In addition, 196 health facilities inspected had housing units to accommodate their health staff.

In its previous annual reports, UHRC has recommended to the Ministry of Health to construct and renovate wards, office spaces, maternity, staff accommodation, theatres and laboratories as well to enhance physical functionality of the health facilities to provide adequate health care to patients.[227] However, Uganda's health infrastructure is chronically underfunded, a main challenge that impedes the construction, rehabilitation and maintenance of health facilities most especially of general hospitals and health centres. The situation was worse in hard-to-reach areas with inadequate social infrastructure and this affected patients' access most especially expectant mothers, children, older persons and persons living with HIV/AIDS (PLWHA). There were complaints of lack of or inadequate ward capacity, with some health facilities having only one ward for all the admitted patients.[228]

Box 7.1 presents UHRC findings in selected health facilities inspected where constructions and renovations had been undertaken and those with dilapidated structures.

Box 7.1: Construction, renovations and dilapidated buildings in selected health facilities inspected

Construction

Chemwom HC III in Kween District and Kampiringisa HC III in Mpigi District had newly constructed maternity rooms/wards. Loro HC III and Karita HC II in Napak District had new Out Patient Departments and Maternity wards recently built by funding from the Northern Uganda Social Action Fund (NUSAF). Bukomero HC IV in Kiboga District was in the process of constructing a waiting shed for expectant mothers. Kanoni HC III in Lwengo District had newly constructed pit latrines, placenta pits, incinerator and laboratory. Alakas HC III in Napak District had a new OPD block and staff quarters. Butove HC II and Nalubembe HC II in Kibuku District had constructed new buildings. St. Francis hospital Naggalama main Mukono District was expanded with new buildings like the maternity, paediatrics wards and a new laboratory. Massive construction works funded by the World Bank were ongoing at Nebbi General Hospital for the OPD, maternity ward and staff quarters. Mayuge HC III in Mayuge District had a new maternity ward constructed by STRIDES. There were constructions of a new OPD department in Karungu HC III in Buhweju District and also at Ruharo HC III and Kyeizoba HC III in Bushenyi District. Ntwetwe HC IV in Kyankwanzi District had a newly constructed laboratory and wards whereas Bwijanga HC IV in Masindi District had a new operating theatre,

Construction of staff accommodation was underway at Binyiny HC II in Kween District. Chemwom and Kalonga HC IIIs in Mubende District constructed new staff quarters. Construction of new staff houses was done in Aroi HC III in Arua District and Nebbi General Hospital in Nebbi District. Itojo Hospital in Ntungamo District had a new staff house accommodating 12 staff.

[227] UHRC 15th Annual Report 2012

[228] Health facilities like Irongo HC III and Busabi HC III were among those that did not have wards. Some like Kityerera HC IV had only Maternity wards and others like Kibuku HC IV, men, women and children were kept in the same ward.

Renovated health facilities

Mpigi HC IV in Mpigi District had a newly renovated OPD. Bukomero HC IV in Kiboga District and Mulombi HC II in Namayingo District had its structures under renovation. Mubende Regional Referral Hospital in Mubende District had paediatric, maternity and old wards undergoing reconstruction. At Kawolo hospital in Buikwe District, a maternity ward was renovated. A facelift of all the buildings was done at Rubaare HC IV while at Kabale Referral Hospital, renovations were done to the children wards and the administration block.

Old and dilapidated infrastructure

The structures at Panyigoro HC III in Nebbi District which were built in the 1980s were in a poor state. Most of the health facilities inspected in Kalangala District such as Kalangala HC IV, Mugoye HC III and Bwendero HC III, appeared visibly old and in need of repair. Kiboga Hospital which was built in 1960s was in a poor state. Lwamata HC III in Mubende District was infested with bats. Ariwa HC III and Akworo HC III in Nebbi District were closed in mid 2014 by the health inspector due to their dilapidated state. Mparo HC IV in Kabale District, Bihanga HC III in Buhweju District and Masindi Hospital in Masindi District also had dilapidated structures.

Inadequate infrastructure

Alangi health centre III in Nebbi District had one ward which had been partitioned to accommodate, men, women and children. At Adjumani Mission HC III in Adjumani District, there was only one ward with 27 beds which accommodated male, female, children and also acted as maternity ward. The facility did not have a placenta pit and was using a rather filled up latrine. Nyumanzi HC III in Adjumani District had a tent operating as temporary wards.

Tents used as children's wards in Nyumanzi HC III in Adjumani District District. The wards are in tents.

General Ward in Rukunyu HC IV in Kamwenge District

Construction and renovations taking place at Nebbi General Hospital in Nebbi District under a World Bank project

Newly constructed Panyimur HC III in Nebbi District with ramps

2) Old and dilapidated buildings

During inspections, 131 health facilities were found in a dilapidated state; some of them with huge cracks in the foundation and others infested with vermin.[229] The structures some wards, staff housing units, offices, toilets and some theatres which is not a safe and healthy environment, especially for expectant mothers, babies, children and PLWHA. UHRC also observed and received reports of non-functioning and dilapidated operating theatres in some health facilities located especially within health sub districts. This affected the provision of adequate emergency neonatal obstetric care (EmNOC) and exacerbated the already existing weak referral system.

Old and dilapidated ceiling at Jupangiri HC II in Nebbi District

7.5.2 Accessibility of population to health facilities

Ease of physical access to health care is of great importance for the reduction of maternal, child and HIV/AIDS mortality rates and related health risks or complications. As observed in the previous 16th UHRC Annual Report, one of the major targets for the HSSIP (2010-2015) was to improve the accessibility to health facilities and services by locating them within 5 km walking distance with a target to increase the percentage of households living within 5 km of a health facility from 72% to 90% by 2015.

During the UHRC inspections, 234 health facilities reported that their location was within the 5 km to 10 km radius of households mainly found in urban and peri-urban areas. This eased physical access to health services including maternal child health and HIV/AIDS services and reduced patient congestion especially at referral facilities. In FY 2013/14, one of the Government's interventions to address this issue was the mapping of health facilities in the 112 districts with the production of geo-referenced maps to capture the exact location of health facilities using Global Positioning System (GPS) devices to enable analysis of physical accessibility to health facilities.[230]

Delays in reaching health service points arising from inaccessibility and lack of adequate transportation by patients was identified as one of the causes of maternal and child mortality in Uganda in FY 2013/14.[231] There were reports from 36 health facilities inspected of patients who had to travel from as far as 50 km to access the nearest health facility. Staff in some health facilities located in hard-to-reach areas and rural areas reported that the utilisation rate of health services including maternal, child and HIV/AIDS services diminished with distance travelled and it negatively affected the health seeking behaviour due to increased travel costs, poor road conditions and weather.[232]

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[229] In 2013, 103 health facilities were found by the UHRC in a old and dilapidated state. Refer to UHRC 16TH Annual Report 2013, 175.

[230] n 220 above, 23. This was produced with support from UBOS, OPM, WHO and CDC.

[231] As above, 5.

[232] Interview with staff from Acokara HC II and Ariba HC II in Oyam District during UHRC inspections in August 2014.

Each level of the health facility established has a catchment area or population they are intended to serve.[233] However, another issue reported to the UHRC was the rising population growth rate, which saw some health facilities overwhelmed, as the numbers shot beyond the catchment population originally planned for a health facility and available services. This caused challenges such as congestion problems and increased demand for health services in an burdened with inadequate staffing levels. (Refer to Annexes 12 and 13 on the status of catchment population and geographical coverage of selected health facilities inspected by the UHRC in 2014).

7.5.3 Availability of essential equipment

1) Availability of medical equipment

Fully functioning medical equipment that is managed, maintained and operated efficiently is a prerequisite for health care service delivery. Examples of such medical equipment include operating equipment, X-ray machines, ultrasound units, laboratory equipment, CD 4 machines, surgery equipment, sterilisation tools, resuscitation equipment and mobility equipment (emergency vehicles, gurneys, wheelchairs) among others. The principal focus by the Ministry of Health under the HSIIP II is to improve the functionality of HC IVs and HC IIIs to provide emergency obstetric and neonatal care (EmONC) services by 100% through the provision of basic equipment and supplies.

Over the years, UHRC has noted minimal improvement in the acquisition and placement of medical equipment within the health sub districts in order to improve the diagnostic, treatment and emergency obstetric care capabilities of primary health facilities. UHRC found that 63 of the health facilities inspected had the basic medical equipment. However, there were complaints of lack of or inadequate EmONC equipment in some HC IIIs and IVs. There were power shortages/fluctuations, supplies shortages, lack of skilled staff to man the medical equipment, and inadequate infrastructure (space and dilapidated operating theatres). For instance at Kagadi hospital in Kibaale District, there were no functional x-ray machine while Masindi and Rakai hospitals did not provide ultra sound services. Kalisizo Hospital in Rakai District had an operating theatre but lacked equipment for caesarean sections and the general operating set.[234]

Furthermore, the capability to manage and maintain medical equipment in health facilities in Uganda remains rather weak and is particularly worse in the health sub districts. The growth in capabilities to manage or maintain medical equipment has lagged far behind the rate of acquisition of equipment. The staffing levels of medical equipment maintenance personnel in districts are still inadequate and there is a countrywide human resource shortage of biomedical engineering personnel in both private and public health facilities.

2) Availability of emergency transportation

The UHRC findings indicate that 45 of the inspected health facilities had functioning ambulances, 24 had non-functioning emergency vehicles while 298 did not have. This made referral of emergency cases difficult at times leading to loss of lives. Other health facilities (78) improvised with the use of ordinary vehicles, motorcycles and bicycles. Despite the provision of 19 ambulances to hospitals and health centres under the NUSAF project, lack of logistical support in health facilities was identified in Annual Health Sector Performance Report (AHSPR) 2013/2014 as one of the key underlying causes of maternal mortality in 2014. UHRC identified this same challenge its 16th Annual Report where out of 374 facilities inspected, 31 had functioning ambulances and 227 did not have any.

[233] HSSIP 2010-2015 p.14. National Referral Hospital provide care for 30 million people; Regional Referral Hospitals for 2 million; General hospitals for 500,000; HC IVs for 100,000; HC IIIs for 20,000; HC IIs for 5,000 and functional village health teams for 1000.

[234] Kasasa Health centre III had a laboratory lacked a microscope, HCG and RPR strips. Nsiika HC IV in Buhweju District and Kitwe HC IV in Ntungamo District did not have functioning theatres.

In 2014, 19 of the facilities inspected had ambulances that were grounded either due to mechanical problems or lack of fuel. In some instances, patients had to fuel the emergency vehicles or use public means to reach the referral facility. The use of motorcycle taxis (*boda boda)* and bicycles especially in rural areas is particularly hazardous for mothers suffering complications. During UHRC inspections in Kalangala District, there were complaints of limited accessibility by the health staff and communities to health facilities due to challenges of water transportation. Box 7.2 below highlights UHRC findings on the state of emmergency transportation in selected health facilities inspected in 2014.

A village ambulance in Todora HC II in Nwoya District used mainly to transport expectant mothers

A grounded ambulance in Bibia HC III in Amuru District due to mechanical problems

Box 7.2: The state of emergency transportation in selected health facilities in 2014

Availability of emergency vehicles

Aroi HC III in Arua District, Nebbi hospital and Parombo HC III in Nebbi District had an ambulance available and functioning. Panyimur HC III and Zumbo HC II in Nebbi District and Zeu HC II in Zombo District had no ambulances and they used motorcycles. Ediofe HC III in Arua District had a motorcycle and two bicycles. Midigo HC III in Yumbe District had an ambulance and motorcycle. Rwesande HC IV, Bwera, Kilembe Mines and Kagando Hospitals had ambulances/cars which were used for emergency transport. Kalangala HC IV had a double cabin pick up for emergencies while Mazinga HC III had a functioning engine boat.

Non-functioning ambulances

Paidha HC III in Zombo District, Kalisizo hospital in Rakai District and Nsiika HC IV in Buhweju District had old ambulances that were grounded due to mechanical problems. The vehicle at Busesa HC IV in Iganga District was in poor condition that it could not be relied up on for emergencies.

Lack of emergency vehicle

Akworo HC II and Panyigoro HC III in Nebbi District lacked ambulances or emergency vehicles. At Rukoki, Nyabirongo and Karambi HC IIIs, the officers in charge informed the UHRC team that the health facilities usually relied on the ambulances of Kilembe, Kagando and Bwera hospitals in Kasese District respectively. At Kabatunda, Kinyabwamba, Mukathi, Maliba HC IIIs and Kihyo HC II in Kasese District relied on the health sub district ambulance at Rwesande HC IV. At Katwe HC III patients are usually referred to Kagando Hospital and it costs UGX 50,000 or UGX 20,000 to get there by a hired car a motorcycle respectively. Rukunyu HC IV in Kamwenge District did not have an ambulance and relied on the use of a motorcycle.

3) Availability of beds

The MoH reported that in FY 2013/14 the number of beds in HC IVs increased, from 6,065 to 6,324. Consequently, admissions also increased to 424,828 from 395,898 the previous year.[235] At 297 health facilities inspected UHRC found beds for admitted patients, including those undergoing treatment, surgery, general observation and deliveries.

Beds in the maternity ward in Ngai HC II in Oyam District

New beds in the Paediatric ward in Rwamwanja HC III in Kamwenge District

A patient lying on the floor at Bwera Hospital in Kasese District

A congested ward at Kyegegwa HC IV in Kyegegwa District

General problems included: inadequate number of mattresses; overwhelmingly high patient to bed ratio (including in the maternity or delivery wards, children and general wards); and the inadequate ward capacity. In Rakai District for example, Rakai hospital, which had 110 beds, had a patient to bed ratio of 5:1 in the children's ward, at times forcing patients to share beds. The UHRC was informed that the facility was built with a 41 bed capacity and has since not undergone any expansion. Lwanda HC III in Rakai District had six beds of which only two had mattresses while Kyamulibwa HC III in Masaka District did not have any beds and admissions could only be conducted during the day on couches. UHRC also noted during the inspections that there were hardly any delivery beds let alone those designed for PWDs.

[235] n 35 above.

7.5.4 Access to essential drugs and supplies

This requires the provision of scientifically approved essential drugs and supplies in the required quantities, of good quality, affordable and ensuring that they are available at the health facilities.

1) Access to essential drugs

During inspections, 178 out of 538 health facilities had essential drugs available like anti-malarials (Coartem, Fansidar), antibiotics, oral rehydration salts (ORS) sachets, painkillers (such as Panadol). At 368 health facilities the availability of ARV drugs such as Nivirapine, Combivir, Option B and B+ for adults and children was confirmed. According to AHSPHR 2013/2014, the ART coverage was 48%, below the HSSIP target of 75% and there were also reduced stock outs of ARVs, with only 2% of health facilities in Uganda reporting stock outs.

The UHRC acknowledges the National Drug Authority (NDA) and the National Medical Stores (NMS) for the improvements made in the procurement and delivery of drugs and supplies on time and the increased efforts to address supply chain challenges such as delays and wrong prescriptions. Some of the reported achievements in 2014 in this regard were improved quantification and the planned and monitored procurement of ARVs, Tuberculosis, Malaria drugs, Cotrimoxazole, condoms and reproductive health commodities.[236]

According to UHRC findings, 481 out of the 538 health facilities inspected provided child immunisation services against diseases like tuberculosis, measles, tetanus, whooping cough, diphtheria, polio among others. At 181 of the health facilities inspected DPT, Polio, BCG and OPV vaccines were available. The progress in child immunisation coverage was evidenced in the increase in percentage of one year old children immunised with Measles vaccine from 85% in FY 2010/11 to 86.5% in FY 2013/14 above the HSSIP target of 85%.[237] It was also reported in the AHSPR 2013/14 that there was an improvement in immunisation coverage for DPT3 for under-one year children from 87% in FY 2012/2013 to 93% and the availability of the six tracer medicines continued to improve with the percentage of facilities without stock out of any of the six indicator medicines improved from 53% to 57% in FY 2012/13.[238]

In spite of this progress, 219 health facilities inspected by UHRC still experienced stock outs on essential drugs such as anti-malarials (fansidar), ARVs, Paracetemol, Piriton, Flagyl and EmNOC drugs (Fefolate iron) and amino tablets). Although drug supplies by the NMS are standardised according to the category of health facilities through the push and pull system, it was noted that some facilities have a unique working environment and cannot be treated homogeneously. For instance, health facilities located near or in refugee settlements should be upgraded to meet the increasing demands. Karambi HC III in Kasese District and Dei HC III in Zombo District which serve a high catchment population including patients that cross over from Congo, face frequent drug stock outs. Concerns were also raised particularly from HCIIs and IIIs that the drug supply did not reflect the specific needs of health facilities especially under the push system.

During the Annual UHRC Right to Health stakeholders meeting in August 2014, the Ministry of Health conceded that a pertinent challenge in 2013 was the poor quantification of medicine requirements by in-charges of health facilities and delays in submission of orders. UHRC observed during inspections in 2014 that there were still some reports of late deliveries,[239] wrong quantification[240] and delays in procurement.

[236] n 222 above, 25.

[237] As above, 11.

[238] The six indicator medicines are Anti-malarials (Artemisinin-based Combination Therapy (ACT), Depoprovera, Sulphadoxine/pyrimethamine (fansidar), measles vaccine, oral rehydration salts (ORS) sachets and Cotrimoxazole in the last six months increased from 53% in FY 2012/13 to currently 57% in FY 2013/14.

[239] At Anyeke HC IV, Ariba HC II, Iceme HC II, Akwangi HC II, Otwal HC III, Minakalu HC II in Oyam District had drug stock outs due to delayed deliveries.

[240] At Karambi HC II and Kilembe HC II in Kasese District, there were reports of drug stock outs due to the wrong quantification of the drugs supplied which did not correspond with the large population catchment area.

2) Access to essential supplies

There were reported shortages of health supplies in 287 health facilities inspected by UHRC particularly of mama kits, testing reagents, testing kits, STI kits, haemoglobin estimation kits as well as general health supplies such as gloves, syringes, cannulas, bandages, cotton wool and protective gear for health workers. Despite the increase in funding for blood and blood products in FY 2013/2014, there were still reports of inadequate supplies of blood, blood products and donor kits which are a prerequisite for health facilities to handle emergency obstetric care and childhood anaemia. According to AHSPR 2013/2014, the commodities for EmONC did not reach the desired levels to ensure universal access due to the unpredictable fluctuations in availability of all supplies, yet supplies and medicines are generally unaffordable for ordinary mothers especially in the private and mission/NGO facilities.

UHRC also received reports of inadequate storage space and facilities, including refridgerators for drugs and supplies such as blood and reagents. As a result, health facilities had to improvise with the use of sheds and staff office space. At Kilembe Mines Hospital in Kasese District, UHRC was informed that floods that affected the area in May 2014 had washed away part of the store where the drugs were kept.

7.5.5 Access to maternal health services

Of the health facilities inspected, 286 provided maternity services in the form of pre-natal, EmONC, post-natal healthcare, theatre, blood transfusion and reproductive healthcare. It was established that 64% of HC IIs inspected provided post-natal services to mothers.

According to AHSPR 2013/14, 100% of hospitals offered comprehensive EmONC while 45% of HC IVs were able to handle caesarean section operations and 36% were able to perform blood transfusions during FY 2013/14. This is an improvement from the previous FY 2012/13 which recorded 37% and 27% respectively. This improvement, though was still insufficient to reverse the trend in MMR rates.[241] There were also modest improvements by the Uganda Blood Transfusion Services (UBTS) in blood donor mobilisation, collection, supply of blood products and establishment of regional collection centres.[242]

The strategies used by the Ministry of Health in FY 2013/2014EmONC interventions to reduce the MMR included:-[243]

a) Compliance to mandatory maternal death notification and reviews which has improved over time with the formation and strengthening of Maternal and Perinatal Death Review committees in all regional referral hospitals and 70% in general hospitals. As a result, institutional maternal death rates have dropped from 168 per 100,000 in 2012/13 to 146 per 100,000 in 2013/14.

b) Increased access to skilled attendance (comprising of the appropriate skills, environment and equipment and supplies) at birth so that complications during pregnancy (killers) are detected and managed in a timely manner.

c) Capacity building and mentoring of 700 health workers in emmergency obstetric and new born care and the long term and permanent methods of Family Planning.

d) Procurement and distribution of reproductive health commodities including contraceptives and condoms, to health facilities reducing on stock out rates;[244] and

[241] n 237 above.

[242] As above, 40

[243] As above, xv.

[244] The key Ministry of Health-listed commodities used in planning the number and timing of pregnancies are: male and female condoms, injectables, implants, IUDs, pills, and surgical contraception equipment. The procurement of reproductive commodities was worth USD $ 34.9 million.

e) Provision of antenatal care which has the potential to prevent, detect, and treat direct and indirect causes of maternal mortality.[245]

UHRC noted that the strategies were being implemented in some health facilities with some positive results, although challenges were still persisting in others. Some HC IIs inspected were providing antenatal care. The Ministry of Health also conceded that non reporting on maternal deaths by private health facilities still ought to be addressed and capacity building and mentoring needed to be a continuous process involving all the critical health staff in the country. Some health facilities inspected identified the low usage of reproductive health commodities.

UHRC also noted the challenge raised by the Ministry of Health of inadequate critical staff to offer maternal and newborn care services especially in the hard-to-reach areas where EmONC teams are hardly complete. In spite of the efforts by the Government to recruit doctors and midwives, it was noted that many HC IVs and some hospitals had one or none of the key staff (doctor, anaesthetist, and midwife) and therefore could not handle complications of pregnancy which often ended fatally.

Health personnel in some of the health facilities inspected raised concerns about the poor health seeking behaviour of mothers who delay to seek treatment and use local herbs[246] and traditional birth attendants (TBAs). For instance, there were reports at Ngai HC II and Otwal HC III in Oyam District and by health facilities in Kalangala District of increased reliance of TBAs due to lack of skilled health personnel, shortage of essential utilities and inaccessibility challenges to referral hospitals. (Refer to Annex 14 which highlights examples of essential health goods and services provided in selected health facilities inspected by the UHRC in Kalangala District). At Kalisizo hospital in Rakai District, the facility faced the challenge of TBAs who convinced mothers to stay longer and only referred them to the health facility at the last minute when the mothers had either ruptured uteruses[247] or the babies/foetuses were already dead. (Refer to Annex 15 which highlights UHRC findings on the performance on maternal and child health indicators in selected health facilities).

7.5.6 Access to HIV/AIDS services

The UHRC noted interventions made in 2014 by the Ministry of Health, Uganda AIDS Commission and respective mandate holders to mitigate the impact of HIV/AIDS through the provision of prevention, care, treatment and support services.

A total of 224 health facilities inspected were providing HIV/AIDS treatment services such as the provision of ARVs and VCT services for PLWHA. According to the AHSPR 2013/2014, the number of ART sites increased from 407 in 2011 to 1,073 in 2013 with the lower level health facility sites contributing to about 59% of all enrolled ART clients in the country. The number of sites providing paediatric ART almost tripled from 332 in 2011, to 834 in 2013, with 68% of districts having at least five paediatric ART sites.[248] A total of 33.2% of males targeted in 2013 received safe male circumcision as a measure to reduce HIV/AIDS transmission.

[245] Commodities that are required for quality antenatal care include Fefolate, Fansidar, mama kits, Niverapine, deworming tablets, Combivir (Zidovudine/Lamivudine), STI kits, haemoglobin (HB) estimation kits, Uristix, and insecticide-treated bed-nets (ITNs).

[246] Karugutu HC IV reported the common use of herbs by some patients for abortions.

[247] During UHRC inspections, there were four reported deaths from Itojo Hospital and one from Kitwe HC IV due to delay by mothers to seek medical care that led to uterine raptures and sepsis.

[248] As above. However, this is only 78% of the facilities providing both adult and paediatric ART; hence the need to activate the remaining 240 accredited adult ART sites.

Sensitisation on voluntary safe male circumcision at Otwal HC III in Oyam District.

High HIV/AIDS prevalence and infection rates were among of the major health concerns UHRC identified by during its inspections at landing sites in 25 districts. This was mainly attributed to increased promiscuity or multiple sexual partners.[249] Information received from most health centres located at the landing sites revealed that the prevalence rates were as high as 49%. (Refer to Chapter 5 for a comprehensive analysis of the human rights concerns in fishing communities). There were also reports of increased HIV infections in Kyangwali and Kibaale Districts due to inadequate community sensitisation programmes on HIV/AIDS.

According to the Uganda AIDS Commission, there were programmes targeting key populations, who have been identified as 'most at risk populations' (MARPS) of suffering from HIV/AIDS or related infections due to their lifestyle or occupations. In 2014, approximately two million fisher folk, 54,549 female sex workers, 10,533 men who have sex with men (MSM), 650,000 uniformed services and 31,588 truckers were targeted.[250]

A human rights based approach (HRBA) to health related MDGs requires the empowerment and participation for all persons especially those that are most vulnerable to marginalisation. UHRC observed in 2014 that there were inadequate gender programmes which limited empowerment, awareness raising and participation of women and girls to combat the spread of HIV/AIDS and the rise in new infections due to underlying factors such as risky behaviour practices and increased domestic violence.[251]

Concerns have been raised over restrictive laws such as the Prevention and Control of HIV/AIDS Act 2014, which contains provisions that criminalise 'attempted' and 'willful' transmission of HIV; mandatory testing of pregnant women and their partners; and allows medical providers to disclose a patient's HIV status to an 'at-risk' partner or household member without the consent of the patient. From a public health and human rights perspective, it has been argued that this could discourage access and utilisation of HIV/AIDS services by PLWHA and it increases the risk of an escalation in the recent surge in the number of new HIV infections.

Prevailing social infrastructural challenges, weather patterns and physical inaccessibility of accredited HIV/AIDS sites were also pointed out as challenges impeding access to HIV/AIDS services by PLWHA. This was especially so for persons living in hard-to-reach areas such as fishing communities living on the islands.

[249] Interview with Officer in Charge of Panyimur HC III in Nebbi District and M. Willy B. Lugolobi, L.C. V Chairperson Kalangala District.

[250] n 243 above.

[251] As above.

7.5.7 Human resource investment

The attainment and maintenance of an adequately sized, equitably distributed, appropriately skilled, motivated and productive health personnel contributes to the effective and prompt delivery of essential health services within the health facilities. According to the Ministry of Health, there was improvement in the number of approved posts filled for health workers from 63% in FY 2012/13 to 69% in FY 2013/14.[252] In 2014, additional critical health staff (196 doctors, 1,067 midwives, and 53 anaesthetics officers) that offered EmONC and reproductive health services were recruited. Table 7.3 shows the human resource status within the health sector in 2014 while Table 7.4 provides the overall staffing for selected categories of critical health workers that offered maternal and child health services in 2014.

Table 7.3: Status of Human Resource within the health sector in 2014

HEALTH FACILITY	NUMBER	STAFFING STANDARD	FILLED	%AGE FILLED	%AGE VACANT
Mulago hospital	1	2,461	1,880	76	24
Butabika hospital	1	422	359	85	15
Regional referral hospitals	14	4,744	3,208	81	19
General hospitals	42	7,980	5,383	67	33
HC IVs	179	8,640	6,734	78	22
HC IIIs	936	17,746	13,399	76	24
HC IIs	1,618	14,364	7,098	49	51

Source: Annual Health Sector Performance Report 2013/2014

Table 7.4: Overall staffing for selected critical health workers in 2014

HEALTH WORKERS	DOCTORS	NURSES	MIDWIVES	CLINICAL OFFICERS	ANAESTHETIC STAFF	PHARMACISTS	LAB STAFF
Standard	1,218	19,539	6,188	2,766	725	376	2,678
No. of positions filled	941	16,681	4,639	2,800	215	31	2,396
Staffing levels %	77%	85%	75%	80%	30%	8%	89%

Source: Annual Health Sector Performance Report 2013/14

During its inspections, UHRC observed and received reports of inadequate numbers of skilled health staff that offer maternal and newborn care services especially in the hard-to-reach areas where EmONC teams are hardly complete. Remote districts however, have not fully benefitted from the recruitment drive owing to tendency of personnel to avoid areas with poor social infrastructure. At Oriajini hospital in Nebbi District, there was only one overwhemed midwife to handle the large numbers of expectant mothers.

The functionalisation of HC IVs remains a key challenge for the sector despite a significant increment in the remuneration of doctors at HC IVs. This may be linked to the challenge of not having matching improvement in remuneration of other cadres of staff at HC IVs who are vital to the team production process at the health centres.[253]

[252] n 235 above, 16. This included both the trained health workers, administrative and support staff in public health facilities.

[253] n 196 above.

Remuneration is still a major issue affecting the attitude and performance by staff in health facilities. There were acknowledged improvement in the prompt payment of salaries, which was attributed to the decentralisation of the payroll to the districts.[254] The listed grievances included poor remuneration which was not commensurate with the heavy workload and overwhelming number of patients; delayed or non payment of salaries and arrears; no hardship[255] or housing allowance and missing names from the Public Service payroll.

Staff at 378 health facilites inspected complained about inadequate staff housing infrastructure which could not accommodate all the staff. This left the rest to fend for themselves and yet they were not paid a separate housing allowance. At Ibuga Refugees HC II in Kasese District, the available staff accommodation was dilapidated and on the verge of collapsing while at Kilembe hospital the UHRCteam was informed that some of the staff accommodation had been swept away in the floods of May 2014.

Some the Kilembe hospital staff accommodation destroyed by River Nyamwanba.

7.5.8 Availability of essential utilities

The right to health extends to the underlying determinants of health, such as access to safe and potable water and adequate sanitation which should be accessible, available, acceptable and of good quality. Despite the increases in the District Primary Health Care Non-Wage budget allocation from UGX15.84 billion for FY 2012/13 to UGX 18.05 billion for FY 2013/2014, the UHRC received complaints and reports about electricity and water shortages in health facilities which ammenties consumed a large part of the health facility administrative costs.

7.5.8.1 Power supply

UHRC found that 199 of the inspected health facilities had power in form of electricity, generators or solar. Another 264 facilities faced power supply problems and improvised with of lanterns, gas, torches and mobile phone torches. Health facilities that had access to hydroelectricity and generators were grappling with rising utility and fuel bills and in most cases the power supply was erratic. Power fluctuations often affected visibility and operations by health staff as they handled child deliveries, and obstetric or neonatal complications. In addition, equipment such as refrigerators for the storage of essential drugs and supplies could not function effectively.

[254] Interview with Ag. DHO Zombo District; Hospital administrator from Adjumani Hospital and staff from Nebbi Hospital and Paidha HC II in Nebbi District.

[255] At Katwe Health Centre III in Kasese District, the staff had spent seven months without receiving their hardship allowance. This underlying factor contributes to high staff turnover especially in health facilities located in hard to reach areas.

Some of the Kilembe hospital staff accommodation destroyed by River Nyamwamba.

7.5.8.2 Water supply

Of the 538 facilities inspected, 375 had access to water while 135 had challenges with access to safe and portable water. The water shortages prevented health personnel from providing some essential health services to patients including expectant mothers' and also affected the operations, hygiene and sanitation in the health facilities. Box 7.3 presents UHRC findings in selected health facilities on access to essential utilities.

Box 7.3: Access to Essential utilities in selected health facilities

Water shortages

Atar and Chepsukunya HC IIs in Kween District; Kabasanda HC II and Gombe Hospital in Butambala District lacked running water to function properly. There were no water reservoirs at Mpigi HCIV and Kabasanda HC III in Butambala District. In Zeu HC III in Nebbi District all the taps and the borehole were broken down and water was fetched from a well, about a kilometre away from the health facility. This caused deterioration in hygiene and sanitation at the facility. At Ibuga Refugees HC II in Kasese District, health workers reported that the health centre mainly relied on rain water and they faced a water crisis, during the dry season as the nearest water source River Rwimi is approximately 9 km away. Amudat HC IV in Amudat District did not have water and all water for medical and personal use had to be bought. The shortage was due to the breakdown of the pump and the cost of repair was estimated at UGX 75 million which the unit could not afford. Mugoye HC IV and Kasekulo HC II, Jacana HC II and Kachanga HC II in Kalangala District were dependent on rain water.

Inadequate power supply

Poor power supply was noted at Sipi HC III and Kapserem HC III in Kapchorwa district; Mpigi HC III, Kitimba HC III in Butambala District; and in Mpenja HC III in Gomba District. Hima HC III had hydropower although it faced regular power disconnections due to delay in payment of bills. Health personnel at Maliba HC III in Kasese District reported that due to lack of power, they resorted to use of candles, torches and lanterns for deliveries at night. Otwal HC III in Nebbi District had no electricity and needed to be connected to the national power grid. Mwera HC IV, Kitongo HC III, Ggavu HC II and Buikwe HC III in Buikwe district suffered from power shortages and high cost power supply resorting to solar power. Kabale regional referral hospital in Kabale District faced power shortage challenges due to bill arrears. Madikiloc HC III in Lamwo District used a hurricane lamp since it did not have a solar system installed.

7.6 Budgetary allocation to the health sector

The human rights based approach does not automatically prescribe policy choices or the precise allocation of resources. Rather, it provides a framework by which such policy choices can be assessed and developed, which includes avoiding retrogressive measures in accordance with Article 2 of the CESCR, and providing adequate resources (financial, human, technical, capital and informational). The state as a duty bearer has to adopt the necessary measures to ensure fulfilment.

The health sector is broadly funded by a number of stakeholders mainly include; Government, development partners and private partnerships.[256] In the FY 2013/14, Government allocation to the health sector was UGX 1127.48 billion compared to UGX 852.2 billion in FY 2012/13 and UGX 799 billion in FY 2011/12.

The Government allocation for health as a percentage of the total Government budget has averaged about 8% from 2010/11 to 2013/14, which is 1.8% short of the HSSIP target of 9.8%.[257] Within the Government allocation was UGX 416.67 billion from donor funds. The Primary health care (nonwage) reduced from UGX 18.5 billion to UGX 15.84 billion. There was inadequate funding for sector activities especially Primary Health Care Services where only UGX 41.185 billion was allocated as recurrent budget to run health service delivery in 137 Local Government with 56 General Hospitals, 61 PNFP hospitals and 4,205 Lower Level Health Units.[258]

Of the re-current budget of UGX 637.17 billion, UGX 219.4 billion was allocated for essential medicines, health supplies and other pharmaceutical products.[259] Despite the increase in funding for medicines and essential supplies, it was inadequate and the funding gap had to be financed by the public through out of pocket expenditure. There was also no commensurate funding for recurrent costs for utilities and/or maintenance arising from health infrastructural developments and equipment especially for health facilities at all levels.

In FY 2013/14, 90% of the funds for HIV/AIDS interventions and services was from development partners/donors.[260] The budget allocation for health had been increasing the previous two financial years, but the proportion of the Government of Uganda budget allocated to the health sector declined over the past four years from 8.9% in FY 2010/11, to 8.3% in 2011/12 to 7.8% in FY 2012/13 to currently 8.7% in FY 2013/14. This is inconsistent with the Government's commitment to progressively realise resource allocation to the health sector and it is also far below the Abuja Declaration target of 15% of the total budget. Progressive realisation means the allocation of resources should be increasing incrementally, say annually, like was the case in the health sector before FY 2010/11, given that there may not be enough resources to tackle the need at one go. However, human rights standards on progressive realisation also prohibit regression or a decline on progress already made. This is why the declining budget allocation to the health sector over the past four years as a proportion of the national budget is raising a serious human rights concern.

Government financing to the health sector is still below the recommended per capita Government expenditure on health of US $ 34 per capita as per the WHO Commission of Macro Economics on Health (CMH) and it is also below the HSSIP target of per capita Government expenditure on health of US $ 17.[261] Table 7.5 shows funding allocation to the health sector for the past five years and Figure 7.2 shows the funding allocation to the health sector by the Government of Uganda and development partners.

[256] n 256 above, 19

[257] As above, 20. The trend in allocation of funds to the health sector shows that there has been an average increase in budget allocation of 20% per annum over the past 4 years of the implementation of the HSSIP The increment is largely attributed to wage bill and external financing towards health.

[258] As above.

[259] As above, 25. The per capita Government expenditure on medicines and health supplies was USD $ 2.4, below the HSSIP target of USD $ 12.

[260] n 223 above.

[261] n 212 above.

Table 7.5 Funding allocation to the health sector for the past five years

FINANCIAL YEAR	GOU UGX (BILLIONS)	DONOR FUNDING UGX (BILLIONS)	GOU ALLOCATION TO HEALTH AS % AGE OF TOTAL GOU ALLOCATION UGX (BILLIONS)
2009/2010	435.8	301.8	9.6
2010/2011	569.56	90.44	8.9
2011/2012	593.02	206.10	8.3
2012/2013	630.77	221.43	7.8
2013/2014	1127.8	416.7	8.7

Source: Annual Health Sector Performance Report 2013/2014

Source: Ministerial Policy Statement 2014/2015

7.7 RECOMMENDATIONS

1. Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the health sector in line with the target of 15% of the national budget provided for in the Abuja Declaration in order to improve on access to essential health goods and services.
2. Ministry of Finance, Planning and Economic Development should allocate more funding to Ministry of Health for the District Primary Health Care Non-Wage budget to address the challenge of inadequate essential utilities such as water and electricity in health facilities.
3. Ministry of Health and National Medical Stores should train health workers on the procedures of proper requisition of essential drugs and supplies to eliminate instances of over prescriptions and drug shortages.
4. Ministry of Health and the National Medical Stores should supply the adequate number of essential medicines, supplies and equipment to all health facilities on time.
5. Ministry of Public Service and the Ministry of Health should revise and improve the salary scale and structure for health professionals especially critical staff that offer maternal, new born care and HIV/AIDS services especially in the hard-to-reach areas as a way of attracting and retaining health professionals.

6. Ministry of Finance, Planning and Economic Development, Ministry of Public Service and the Ministry of Health should increase the financial, human and capital or infrastructural investments in maternal and child health, HIV/AIDS and pharmaceutical sector interventions to meet the Millennium Development Goals and HSSIP targets.
7. Ministry of Health and the Public Service Commission should recruit and fill in the existing vacancies of critical staff especially those that offer maternal, new born care and HIV/AIDS services; bio engineers and medical equipment personnel to address the countrywide shortage of human resource.
8. Ministry of Finance, Planning and Economic Development should ensure that there is commensurate funding provided to the Ministry of Health for recurrent costs for utilities and/or maintenance arising from health infrastructural developments and equipment for health facilities at all levels.
9. Ministry of Finance, Planning and Economic Development should allocate more funding to Ministry of Health to address the challenge of essential drugs and supplies shortages.
10. Ministry of Works and Transport should improve the road infrastructure and transport network especially in hard-to-reach areas to ease patients' access to health services.
11. Ministry of Finance and Economic Development should increase its budget allocation to the Uganda Human Rights Commission as an accountability mechanism to enable it adequately monitor and report on the state of health rights in the country.

7.8 CONCLUSION

The realisation of MDG 4, 5 and 6 is integral to the fulfilment of Uganda's obligation to provide for and safeguard maternal and child health as well as the rights of persons living with HIV/AIDS. UHRC notes and acknowledges the achievements made by the Government towards improving access to essential health goods and services. However, there is still more to be done to ensure adequate investments in the health sector for the realisation of the right to health and in view of the post-MDG 2015 agenda on universal health coverage.

CHAPTER 8

UHRC POSITION ON THE NATIONAL BIOTECHNOLOGY AND BIOSAFETY BILL 2012, THE TOBBACCO CONTROL BILL 2014 AND THE RETIREMENT SECTOR LIBERALISATION BILL, 2011.

8 INTRODUCTION

The Uganda Human Rights Commission (UHRC) is constitutionally mandated under Articles 52- 53 of the Constitution to promote and protect human rights. In discharging its mandate, the UHRC monitors Government's compliance with international treaty and convention obligations on human rights and makes recommendations to Parliament on effective measures for the promotion of human rights.

Furthermore, the UHRC has the responsibility as a national human rights institution to review and analyse bills, laws and policies in order to ensure that they are in line with human rights standards and not in conflict with other existing laws.[262] It is upon this basis that the UHRC presented to Parliament its position on the Bio Technology and Biosafety Bill 2012, the Tobacco Control Bill 2014 and the Retirement Sector Liberalisation Bill, 2011.

8.1 THE NATIONAL BIOTECHNOLOGY AND BIOSAFETY BILL 2012

8.1.1 Background to the Bill

The National Biotechnology and Biosafety Bill (Bill) was tabled by the Ministry of Finance, Planning and Economic Development in February 2013. The memorandum to the Bill notes that there is no specific law regulating research, development and use of biotechnology in Uganda. In addition, it is noted that several provisions relating to biotechnology are scattered in various laws that cover several sectors, like natural resources, industrial development and environmental protection whose administration and management is entrusted to various agencies and departments of Government.

The National Council for Science and Technology (UNCST) under the Uganda National Council for Science and Technology Act (Cap 209) currently handles the research aspects of modern Biotechnology[263] while standard setting for food and drugs is handled by the Ministry of Health (MoH), Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) (Foods and Drugs Act 1964 (Cap 278) and Ministry of Tourism, Trade and Industry. It has been further noted that though in 1993, the drug element was subsumed in the Food and Drugs Act (Cap 278) under the National Drug Authority (NDA), the food element was left unaddressed and todate no amendment has been made to the Food and Drugs Act (Cap 278) to address technological developments in the food industry such as food additives, contaminants and packaging.[264]

It should be further noted that there is currently no institution or authority that is solely responsible for food safety in Uganda. The Plant Protection Act (Cap 31) provides for the MAAIF to regulate the introduction of exotic plants and micro-organisms; and the Public Health Act (Cap 281) under MoH, sets the standards for sanitation, vaccination and prevention of infectious diseases. In 2009 the National Biotechnology Policy was passed which guides the promotion and regulation of biotechnology use in the country.

[262] n 35 above, Section 3(a) (i).

[263] Memorandum to the National Biotechnology and Biosafety Bill, 2012 (i).

[264] P.B. Ejalu, 'U.S. and Ugandan Food Safety Systems Report 2008: A challenge to create development partners',5.

8.1.2 Summary of the contents of the Bill

The Bill seeks to: Facilitate the safe development and application of biotechnology; facilitate and promote research, development and use of modern biotechnology; establish procedures for bio-ethical consideration in biotechnology research; strengthen consumer protection and public understanding of products and the benefits of biotechnology; facilitate safe use of biotechnology to address national development challenges in food security. In addition, the Bill seeks to facilitate healthcare, biodiversity conservation and industrialisation; promote capacity in biotechnology research, development and innovation; promote technology transfer and benefit-sharing in the development and use of modern biotechnology; and to build strong institutional relationships among biotechnology stakeholders.

8.1.2.1 Positive Aspects of the Bill

The UHRC welcomes the efforts made towards drafting a Bill to regulate research, development and use of biotechnology in Uganda. This is in line with the National Objectives of Directive Principles of State Policy which highlight the role of the state in adopting appropriate policies and enacting enabling legislation to stimulate agricultural, industrial, technological and scientific development.[265] The Bill seeks to promote the safe development of biotechnology in Uganda in order to exploit and promote science and modern biotechnology in the modernising of agriculture (by addressing drought, introducing disease and pest resistant crops or animals), protection of the environment, enhancing public health and industrialisation. The Bill could therefore contribute to the realisation of the right to adequate standard of living and adequate food for Ugandans under Article 11 of the CESCR.

1) Scope of the Bill

The Bill covers the different stages in the development of a Genetically Modified Organism (GMO) from approval of each stage of research; risk and safety assessment and management; general releases into the environment; and import, export and transit process for GMOs.[266]

2) Establishment of mechanisms to enforce provisions of the Bill

The Bill provides for establishment of mechanisms for instance the National Focal Point (Ministry of Environment); Competent Authority (National Council for Science and Technology); National Biosafety Committee (which will regulate confidential business information including research procedures); Registrar and the Institutional Biosafety Committees to regulate the research, development and the general release of GMOs and for other related matters. These clauses are in line with Article 2 of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CPB) that requires state parties to take necessary and appropriate legal, administrative and other measures to implement its obligations under the Protocol.[267] In addition, appointment of inspectors under Clause 34 and 35 will enable monitoring to ensure compliance with the Bill and the directives of the Competent Authority.

3) Safety measures and risk assessment

Under Clause 7, Clause 10 and Clause 14 of the Bill one of the functions of the Competent Authority, National Biosafety and Institutional Biosafety Committees is to ensure safety of biotechnology to human health and environment during development, testing, handling, transfer, release and use of a GMO. In addition, under Clause 29 every applicant is expected to carry out a risk and safety assessment at

[265] n 204 above, Objective XI (ii).

[266] Clauses 15-18 & 29-30 of the National Biotechnology and Biosafety Bill, 2012.

[267] Uganda ratified the Cartagena Protocol on Biosafety in 2001. The objective of the Cartagena Protocol on Biosafety is to provide for an adequate level of protection in the field of safe transfer, handling and use of living modified organisms from modern biotechnology that may have effects on the conservation on the sustainable use of biological diversity taking into account risk to human health and specifically focusing on trans boundary movement.

each stage of development of a GMO which is to be reviewed by the Institutional Biosafety Committee (laboratory research and contained testing) and Competent Authority (General release and confined testing).

These clauses are in line with Article 22(1) and Article 39 of the 1995 Constitution which provides for the right to life and the right to a clean and healthy environment; Article 12(1) of the CESCR which provides for the right to health and reiterates Article 2(2) of the CPB. In addition, under Clause 29 safety measures and procedures are provided for in the event of unintentional release of a GMO which is consistent with Article 16 (3) of the CPB.[268]

4) Right to information

Under Clause 7 (i) the Competent Authority has the function of promotion of public awareness and education concerning activities provided in the Bill which enshrines the right to information.[269] The Competent Authority has a duty to sensitise the public on GMOs and to coordinate their participation in order to ensure consumer protection.

5) Protection of confidential business information

Protection of confidential business information under Clause 39 is an important provision especially in light of sensitivity of scientific and biotechnology experiments/testing. Though the Competent Authority is expected to make information available to the public, the regulatory system must balance the competing interests of the applicant, who may want to keep some information confidential for business purposes. A regulatory system with no protection for trade secrets and proprietary information, might not receive any applications because private enterprises would not be able to successfully market a product if certain information is not kept confidential. Thus, a good regulatory system must also protect from disclosure of confidential business information of applicants.

6) Remedies

Remedies in case of breach are provided for instance in the form of a restoration order under (Part V) granted by Competent Authority. The restoration order directs persons in breach of the Act who have for instance caused damage by unintentional release of GMO to restore conditions as they were before the release of GMO or levy a charge which is a reasonable estimate of the cost of any action to restore the environment in its former state. Part VIII of the Bill provides for punitive actions in case of offences committed in the form of imprisonment and/or commensurate fines which also extend to person(s) working in a body corporate.

8.1.3 Human Rights Concerns Arising From the Provisions of the Bill

Though the objectives of the Bill are commendable, there are human rights concerns that arise from the primary obligation of the state to provide an adequate level of protection in the safe transfer, handling and use of GMOs. Through this obligation, the state shall ensure that there are no adverse effects of GMOs on health and the sustainable use of biological diversity especially biological diversity of indigenous and local communities. The UHRC is concerned with various aspects of the Bill including: Provisions on public awareness; food safety and security; clear safety standards; fair and equitable sharing of benefits; inadequate proportionate based reviews; and minimal representation of the MAAIF.

[268] Article 16 (1) states that Parties shall, establish and maintain appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of this Protocol associated with the use, handling and trans boundary movement of living modified organisms.

[269] Article 5 of African Model Law on Biosafety provides for notice to the public about upcoming decisions in which they can comment, requires that information relevant to the decision be made available before the public's comments are due, and ensures that the decision-maker looks at the public's comments before making a decision.

8.1.3.1 Inadequate public awareness and participation

The UHRC notes that there has been inadequate public awareness about and participation in the introduction of GMOs and Biosafety. These activities have been done on a small scale with limited involvement of relevant stakeholders like farmers and consumers and have focused on impacts of GMOs. Clause 7 (i) of the Bill only mandates the Competent Authority to promote awareness and does not specify the right of the public to participate in the decision making process.

Article 23 of the CPB obliges State Parties to promote and facilitate public awareness, education, participation and access to information concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity. The public should be consulted in decision making process regarding GMOs which is in line with the precautionary principle, which forms the basis of the African Union's Revised African Model Law on Biodiversity.[270]

The UHRC therefore recommends that:

Clause 7 (1) be amended to provide for open and transparent consultations with the public and provide for a mechanism for consultation; and

The Competent authority should take into account the views of the public when making or reviewing its decisions.

8.1.3.2 Lack of clear safety standards to ensure food safety and security

One of the objectives of the Bill is to facilitate safe use of biotechnology in order to address food security. In order to do this the Bill has adopted a comprehensive definition of a GMO that does not distinguish GMOs based on the products they produce which encompasses GMOs for food, feed and industrial purposes. However, the Bill does not adequately address issues of food safety and security.[271] For instance, there are no laid out procedures of what will be considered in conducting food safety assessments.[272] In addition, the Bill does not provide the option for the local communities to have genetic modification free zones.

The Bill does not have explicit provision for food labelling for consumers to distinguish between GMO and non-GMO products though it has been noted that concern about *the safety of GM foods is the single most important obstacle to public acceptance of biotechnology products.*[273]

The UHRC recommends that:

The Bill should provide for identification of GMOs for any person manufacturing or importing a GMO; and
Local communities should have genetic modification free zones.

8.1.3.3 Inadequate safety standards of approving a GMO Organism

The Bill provides for institutions which would approve GMO at the various stages (Biosafety Committee and Competent Authority) and lays out the requirements for approval in schedules. However, it does not explicitly lay out the criteria for the refusal or granting of the approval.[274] The Bill does not explicitly provide for whether the criteria will be based on risk to the environment, animal or human health, food safety and security.[275] In addition, it is not clear whether this criteria will be applied for instance on possible

[270] As above, Article 8.

[271] http://www.biovisioneastafrica.com Last accessed in June 2013.

[272] G. Jaffe, 'Comparative Analysis of the National Biosafety Regulatory Systems in East Africa' January 2006, 24.

[273] Codex Food Safety Standards and Guidelines surrounding GMOs should be adhered to on how to conduct food safety risk assessments for GE organisms and their food products. (Codex Alimentarius Commission in FAO).

[274] Section 69 of The Environmental Management Act, 2004 of Tanzania provides for a general criteria which states that Genetically Modified Organisms should not harm, cause injury or loss to the environment and human health including socio economic, cultural and ethical concerns.

[275] n 266 above, Schedule 3 Form 1, Form 2 & Form 3.

environmental impacts caused by GMOs including on loss of biodiversity because of dominance of GM strains or the direct and indirect side effects of GMOs on life support systems in the environment such as air, water and soil.[276]

In addition, the Bill does not outline which socio-economic considerations are to be taken into consideration and whether such socio- economic considerations would include impacts on farmers income and welfare; ethical values, cultural practices such as the 'knowledge, innovations, practices and technologies of indigenous and local communities' in saving, sharing and multiplying seed in order to sustain food systems and food security.[277]

The approval of GMOs is dependent on the information provided by the applicant which is based on the assumption that the information is the most recent peer reviewed information.

The UHRC recommends that:

The criteria for the refusal or granting of the approval of a GMO be specifically laid out;

The criteria should provide for the most recent peer reviewed information about the GMOs and the Competent Authority should be given the option to conduct the risk assessment; and

The Bill should explicitly provide for what constitutes socio-economic considerations in the event of introduction of GMOs.

8.1.3.4 Fair and equitable sharing of benefits from utilising genetic resources

Fair and equitable sharing of benefits that arise from the use of genetic resources has to be viewed in light of the intricacies of intellectual property rights of GMOs. Intellectual property rights have implications on accessibility to technology and products considering the growing trend towards tighter controls of intellectual property promoted by the World Trade Organization's agreement on trade-related aspects of intellectual property rights (TRIPS).[278]

Biotechnology companies with patent rights do not only have rights to restrict the use of GMOs but could inevitably control the saving, sharing and multiplication of seed and the cost of patented seed.[279] This issue will be of great concern in Uganda where the large percentages of farmers are not well conversant with these rights and may not be able to afford patented seed.[280] In addition, the Bill does not provide explicit criteria to guide the approval.

For instance whether the GMOs would be beneficial to the country; whether this will be based on significant risk, contribution to sustainable development or is line with ethical values and does not undermine local community or indigenous knowledge of communities.[281]

The UHRC recommends that explicit criteria be laid out in the Bill to guide the Competent Authority on when to approve the introduction of GMOs.

[276] http://www.academicjournals.org/ajest/PDF/pdf%202012/FEb/Mtui.pdf Last accessed on 21st August 2013.

[277] n 271 above, 31-33.

[278] http://www.ielrc.org/content Last accessed on 10th May 2013.

[279] Bowman v. Monsanto Co. U.S No. 11–796 Supreme Court Decision of May 13, 2013.

[280] http://www.ielrc.org/content Last accessed on 10th May 2013.

[281] n 269 above, Article 8 (7).

8.1.3.5 Inadequate Proportionate Based Review

Clause 25 of the Bill provides for expedited review of an application for research and general release of a GMO in cases where the research has been approved by a competent authority or where the research has been done in comparable systems and has been approved by a competent authority established at the regional level or where the general release of a GMO poses minimal risk to human health or the environment. This approach is not in line with the precautionary approach considering that eco-systems are incomparable.[282]

The UHRC recommends that:

Clause 25 should be amended to provide for the case to case risk assessment and;

Clause 25(e) be retained which provides for an instance which provides an exception where an application had been previously considered by the Competent Authority.

8.1.3.6 Limited access to information

Under Clause 22 (3) (b) an application for the approval for general release of GMOs is published only in the official website of the Competent Authority and gazette which a small section of the public has access to. It is important for the public to be aware of the GMO produced, its benefits and risk assessment to the health and environment through national newspapers and appropriate electronic media. In addition, this would enable the public raise any issues in regard to the application and give time to the Competent Authority to respond to any issues raised.[283]

The UHRC recommends that:

An application for approval of a general release of a GMO should be placed in newspapers of national circulation, in other electronic and print media which should be made available to the public and affected local communities and;

A provision be included for a time frame within which the public should respond and the competent authority consider their concerns.

8.1.3.7 Inadequate oversight mechanisms

The Bill neglects the central role of the MAAIF in this process and yet the ministry is responsible for any agricultural developments in Uganda and has a primary role in ensuring food security. This is coupled with the challenge of: adequate capacity to manage existing laboratories for instance in the case of unintentional release of GMOs; avoiding bio-security risks; ensuring adequate risk and safety assessments; and managing the potential adverse effects on human health and the environment. If both human and physical infrastructural resources are pulled together funding for biosafety activities could be addressed.[284]

The UHRC recommends that the Ministry of Agriculture, Animal Industry and Fisheries be given a primary role to strengthen the oversight mechanisms.

[282] Section 19 of the Kenyan Biosafety Act No. 2 of 2009.

[283] http://www.academicjournals.org/ajest/PDF/pdf%202012/FEb/Mtui.pdf Last accessed on 21st August 2013.

[284] n 277, Clause 37.

8.1.3.8 The sanctions and redress for breach of the provisions.

The sanctions and redress for breach of the provisions are very light compared to the high level of risk associated with the development of GMOs and potential adverse effect caused to public health and environment. The penalties range from twenty four currency points for obstructing the Competent Authority to one hundred and twenty currency points for engaging or making a general release of a GMO without approval.[285]

Liability has been vaguely defined giving protection to corporations with offences and penalties in regard to body corporates not specifically spelt out.[286] In addition, redress for breach in form of a restoration order is limited to restoration of the environment and levying of a charge and liability does not encompass redress in case of harm to human and animal health or damage to the livelihood of communities.

The UHRC recommends that:

The strict liability approach be used as opposed to fault based liability principle. A person, who imports, arranges transit, makes use of releases or places on the market a GMO or product of a GMO should be liable for any harm occasioned by such GMO or product of GMO which would ensure effective operationalising of the precautionary principle [287]

The penalties for breach of the provisions of the Act should be made more stringent taking into account the high level of risk attributed to the development of GMOs and potential adverse effect caused to public health and environment.[288] *and;*

Liability should be extended to include compensation in case of harm to human and animal health to the communities which have suffered due to the release of a GMO.

8.1.4 Conclusion

The National Biotechnology and Biosafety Bill, 2012 mainly focuses on facilitating rather than finding a balance between facilitating and regulating the promotion of safe development and application of biotechnology for development and general release of GMOs in Uganda. The UHRC therefore recommends that the Bill is reviewed to address the human rights concerns that have been highlighted in order to fulfil the primary obligation of the state to provide an adequate level of protection in the safe transfer, handling and use of GMOs.

8.2 TOBACCO CONTROL BILL 2014

8.2.1 Background to the Bill

Tobacco is one of the leading causes of preventable death globally, although there has been an upsurge in both its consumption and its fatality rate worldwide and within the increasingly interconnected global economy.[289] The public health impacts of tobacco use which kills approximately 6 million people per year and is expected to kill 8 million people in 2030, has been well documented.[290] According to the Global

[285] n 277, Clause 37.

[286] As above, Clause 38.

[287] B. N. Karugonjo, ACODE 'National Biotechnology and Biosafety Bill, 2012: A CSO Perspective,' A presentation made at the UHRC Consultative meeting held at Hotel Africana on 7th June 2013, 3.

[288] Under the Kenyan Biosafety Act, a person who contravenes any provision of the Act is liable on conviction to a fine not exceeding twenty million Kenyan shillings, or to imprisonment for a term not exceeding ten years or both.

[289] WHO Report on the 'Global Tobacco Epidemic, 2011; Warning about the dangers of Tobacco' available at http://whqlibdoc.who.int/publications/2011/9789240687813_eng.pdf?ua=1Last accessed on 8 July 2014.

[290] Centres for Disease Control and Prevention ; 'Smoking and Tobacco use' available at www.cdc.gov/tobbaco/data_statistics/fact_sheets/fast_facts/ Last accessed on 8 July 2014.

Adult Tobacco Survey (GATS) 2013, 1.3 million people in Uganda aged 15 years and above currently use tobacco products.[291] Tobacco use is also the leading preventable risk factor for all Non Communicable Diseases (NCDs), with 73% of cancer-related cases at the Uganda Cancer institute being directly linked to tobacco smoking and inhaling.[292]

In response to the global tobacco epidemic therefore, the World Health Organisation as part of its efforts, in its 56th World Health Assembly held on 21st May 2003, adopted a treaty: The World Health Organization Framework Convention on Tobacco Control (hereinafter WHO FCTC). This is the first international treaty on public health negotiated under the auspices of the WHO.[293] The specific purpose of this treaty is to ensure that member States that have ratified the WHO FCTC move to put into place and enforce tobacco control measures through legislation and other means.[294] The WHO FCTC provisions present a framework of various measures that are the minimum requirements for the signatories of the treaty. The signatories to the treaty could introduce even more stringent provisions for regulating tobacco use than the treaty requires them to do. These include provisions such as protecting passive smokers, dictating the packaging requirements and labelling of tobacco products which are not reflected in the Tobacco (Control and Marketing) Act Cap 35.[295]

Uganda signed the WHO FCTC treaty on 5th March 2004, and also ratified it on 20th June, 2007. Subsequently, the treaty entered into force on 18th July, 2007. One of the core obligations under the WHO FCTC is for State parties to introduce legislative measures that would regulate certain stipulated areas of tobacco control.[296]

Already in existence in Uganda is the Tobacco (Control and Marketing) Act Cap 35 and the National Tobacco Corporation Act Cap 316, which came into force in 1967 and 1978, respectively. However, these laws are now regarded to be outdated, especially in light of the recent global and local developments in tobacco production, consumption and control. Furthermore, the minimum requirements stipulated by the WHO FCTC (such as protecting passive smokers, dictating the packaging and labelling of tobacco products) are not reflected in the Tobacco (Control and Marketing) Act Cap 35. It is therefore envisaged that the Tobacco Control Bill 2014 which provides for a wider scope and enforcement mechanisms, will strengthen the enforcement of the National Environmental (Control of Smoking in Public Places) Regulations 2004, which primarily focus on the prohibition of smoking in public places.

8.2.2 Summary of the Objectives of the Bill

The Tobacco Control Bill 2014 is a private members Bill that has been introduced most importantly to meet Uganda's obligations under the WHO FCTC. The Tobacco Control Bill 2014 proposes to repeal the inadequate Tobacco (Control and Marketing) Act Cap 35 and the National Tobacco Corporation Act, Cap 316. The purpose of the Bill is mainly to regulate the consumption of tobacco products and exposure to Tobacco smoke in Uganda.

The Bill seeks to protect the present and future generations from the devastating health, social, economic and environmental consequences of tobacco use and exposure; give effect to the obligations Uganda has undertaken to protect her people against tobacco-related harms; promote health and other human rights

[291] Preliminary results of Global Adult Tobacco Survey (GATS) 2013 for Uganda were conducted by Uganda Bureau of Statistics under the coordination of the Ministry of Health with technical and financial support provided by WHO and the US Centers for Disease Control and Prevention (CDC).

[292] Research conducted by Makerere University College of Health Sciences 2011 available at http://www.chs.mak.ac.ug Last accessed on 8 July 2014.

[293] World Health Organisation Framework Convention on Tobacco Control, p.(v).

[294] As above, Article 3. It provides that a framework for tobacco control measures should be implemented by state parties at a national, regional and international level in order to reduce the prevalence of tobacco use and exposure to tobacco smoke.

[295] As above, Article 8 & 11. They provide for the protection from tobacco smoke, packaging and labeling of tobacco products.

[296] n 293 above.

as a party to the WHO FCTC and other related treaties; and regulate the manufacture, sale, labelling, promotion, advertising, distribution and public use of tobacco products as well as sponsorship of tobacco products.

8.2.2.1 Scope of the Bill

The Bill covers a range of issues in respect to tobacco control. This includes: creating an oversight mechanism under Clauses 3 to 9; prohibition of smoking in public places, work places and public transport under Clause 11; banning advertisement and promotion of tobacco products under Clause 13; placing restrictions on the sale and display of tobacco products under Clause 15; introduction of specific packaging and labelling requirements under Clause 14; prohibition of supply of tobacco products to minors under Clause 16; insulation of public health policies from commercial or other vested interests of the Tobacco industry under Clauses 18 to 24 and its enforcement mechanisms under Clauses 25 to 39.

8.2.3 Positive Aspects of the Bill

The UHRC welcomes the efforts made towards drafting this Bill seeking to bring Uganda in line with its international obligations as per the WHO FCTC. The Bill seeks to enhance public health by reducing the consumption of tobacco and exposure to tobacco smoke. The Bill could primarily contribute to the realisation of the right of every Ugandan to the enjoyment of the highest attainable physical and mental health as stipulated under Article 12 of the CESCR. In addition, the Bill further seeks to protect the right to a clean and healthy environment. The UHRC finds the following specific aspects of the Bill to be particularly positive and therefore commends them.

8.2.3.1 Establishment of oversight and enforcement mechanisms

The Bill provides for the establishment of mechanisms such as the Tobacco Control Committee;[297] appointment of authorised officers;[298] establishment of public health officers, environmental inspectors, standards inspector and customs officers, all as authorised officers.[299] The mechanisms highlighted would ensure effective monitoring and implementation of the Bill and compliance with its requirements. This is in line with Article 5(2) (a) of the WHO FCTC that requires State parties to take measures to establish or reinforce and finance a national coordinating mechanism or focal points of tobacco control.

8.2.3.2 Restriction of Sale and display of Tobacco products

Under Clause 15 (1) of the Bill, a person is prevented from selling or buying any tobacco products in the public places specified in the fourth schedule, which include hospitals, health and education institutions, public transport places, terminal stations and public vehicles, among others. The clause further restricts the display of tobacco products at points of sale, other than being visible momentarily at the time of sales transaction.[300] The sale and display of tobacco products especially in public places amounts to advertising and promoting tobacco use, which would increase accessibility of the tobacco products especially to those tobacco users who would wish to quit and the children/youth that are vulnerable to promotional effects of product display.[301] Furthermore, Clause 15 (5) of the Bill prohibits the sale of single cigarettes in line with Article 16 (3) of the WHO FCTC, which would reduce accessibility and affordability of the tobacco products.

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[297] Clause 3 of the Tobacco Control Bill 2014.

[298] As above, Clause 25.

[299] As above.

[300] As above, Clause 15 (3).

[301] Article 13 of the WHO FCTC Guidelines for Implementation,98.

8.2.3.3 Right to a tobacco smoke-free environment

Clause 10 of the Bill provides that everyone has a right to a tobacco smoke-free environment. It further places a duty on a tobacco product consumer to ensure that he/she does not expose another person to tobacco smoke. This clause is reflective and recognisant to, Article 9 (1) of the WHO FCTC, which identifies scientific evidence as having unequivocally established the fact that exposure to tobacco smoke causes disease, disability and death.

This clause directly relates to the right to a clean and healthy environment, which is guaranteed under Article 12 (2) (b) of the CESCR,[302] Article 24 of the ACHPR and Article 39 of the Constitution of Uganda. This clause is further in line with the provisions of Article 18 of the WHO FCTC, which urges State parties to ensure the health of persons in relation to the environment.

The right to a clean and healthy environment interlinks with various human rights such as the right to life,[303] which would be violated due to exposure to tobacco and tobacco smoke; the right to health[304] which recognises good health as a key component of a fulfilled life that extends beyond one's individual physical and mental well being, to societal and environmental conditions.[305] Article 9 of the WHO FCTC notes that there is scientific evidence which shows that exposure to tobacco will lead to diseases. Therefore, creation of a right to a tobacco free environment is in line with the State's duty to protect the right to life, the right to health and the right to a clean and healthy environment.

8.2.3.4 Prohibition of smoking in public places, work places and on means of public transport

Clause 11 of the Bill prohibits smoking in public places, places of work and in any means of public transport. This clause seeks to reduce the exposure of non-smoking individuals to second hand smoking, given the dangers of second hand smoke. According to WHO, the tobacco epidemic kills nearly six million people per year, of which 600,000 deaths are as a result of non smokers being exposed to second hand smoke.[306] Second hand smoke has been termed as a human lung carcinogen and as such, it is responsible for a number of lung cancer deaths.[307] In addition, second hand smoke exacerbates existing respiratory diseases such as asthma.[308]

A smoke-free environment will therefore contribute to the realisation of the right to health;[309] the right to a clean and healthy environment; and the right to satisfactory safe and healthy working conditions for those in workplaces. The right to satisfactory and healthy working conditions has been interpreted by the UN Committee on Economic, Social and Cultural Rights[310] to include minimising the causes of health hazards in the working environment, including minimising the use of tobacco. Where there is a conflict between the individual's 'freedom to smoke' and protection of public health, states can reserve the right to ban or regulate substances that are harmful or addictive to their populations.[311]

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[302] UN Committee on ESCR stated in General Comment 14 that the right to a healthy environment includes among others the prevention and reduction of population exposure to harmful substances.

[303] n 265 above, Article 22 (1) & n 39 above.

[304] n 265 above, Objectives XIV & n197 above, Article 12.

[305] C. Dresler & S. Marks; " The Emerging Human Control to Tobacco Control" ; Human Rights Quarterly, Volume 28 , 2006; the Project Muse.

[306] http://www.who.int/mediacentre/factssheets/fs339/en/; factsheet 339 updated May 2014, last accessed 8 July 2014.

[307] 'Human Rights and Health – persons exposed to second hand smoke,' Pan American Health Organisation, available at http://www.panamericanhealthorg.com/12343234infosmoking/Last accessed 8 July 2015.

[308] n 305 above.

[309] n 197 above, Article 12 (1) & n 265 above, Article 39.

[310] UN Committee on ESCR General Comment 14, para 15.

[311] Article 43 (2) (c) of 1995 Constitution provides for limitation on fundamental rights for public interest purposes as long as it is acceptable and demonstrable justifiable in a democratic society. Proportionality test is discussed in the judgment of Justice Mulenga in Charles Onyango Obbo & Andrew Mwenda verses Attorney General Supreme Court Constitutional Appeal No. 2 of 2002.

8.2.3.5 Packaging and labelling

Clause 14 of the Bill requires that all tobacco products shall be packaged and labelled in accordance with the regulations issued by the line Minister but must include health warnings and messages. In addition, the clause requires that all labelling or packaging done is not false and misleading. This clause therefore seeks to enhance public awareness by ensuring that those who wish to consume tobacco products are fully aware of the health risks that are associated with tobacco consumption. The clause also ensures that the potential tobacco consumers are armed with accurate information regarding tobacco products and their health consequences.

8.2.3.6 Comprehensive ban on tobacco advertising, promotion and sponsorship

Clause 13 of the Bill provides that all forms, methods or means of advertising, promotion and sponsorship of tobacco products are banned.[312] This is in line with Article 13 of the WHO FCTC. A 1999 World Bank Report stated that:

"... policy makers who are interested in controlling tobacco need to know whether cigarette advertising and promotion affect consumption. The answer is that they almost certainly do. The key conclusion is that bans on advertising and promotion prove effective, but only if they are comprehensive, covering all media and all uses of brand names and logos." [313]

A related study of data from 22 countries concluded that 'tobacco advertising' increases tobacco consumption. The empirical research also shows that comprehensive advertising bans can reduce tobacco consumption, but that a limited set of advertising bans will have little or no effect. A limited set of advertising bans will not reduce the total level of advertising expenditure but instead will simply result in substitution through the remaining non-banned media. When more of the remaining media are eliminated, the options for substitution are therefore also eliminated."[314] Accordingly, for a tobacco-advertising ban to be effective, it must cover all media and all forms of promotion. If it is only partial, then promotions will merely shift from the banned to the unbanned media and methods of promotion.

Counter arguments have been put up stating that a comprehensive ban on tobacco advertising, promotion and sponsorship would result in the violation of the freedom of commercial speech and expression[315]as well as socio-economic and intellectual property rights. However, it should be pointed out that these rights/freedoms are not absolute.[316] Under Article 43 of the 1995 Constitution, limitations can be placed upon such rights if they prejudice public interest (or in this case, public health); and they are therefore acceptable and justifiable in a democratic society. The UHRC also notes that Kenya[317] and South Africa[318] have a comprehensive ban on advertising and promotion of tobacco products, including sponsorship and free distribution of tobacco products. These examples can therefore be emulated by Uganda.

8.2.3.7 Protection of minors

Clause 16(1) of the Bill seeks to protect minors from cultivation, harvesting, growing, curing, manufacturing, importing, distributing and selling tobacco. In addition, Clause 16(2) prohibits a person from importing and manufacturing for, or distributing and selling to a minor a tobacco product. However, the main focus

[312]n 297 above, Clause 13.

[313]World Bank Report, 'Curbing the Epidemic Governments and the Economics of Tobacco Control' 1999, p. 49.

[314]H. Saffer & F. Chaloupka, 'The effect of tobacco advertising bans on tobacco consumption' Journal of Health Economics 19(2000) 1117-1137.

[315]n 265 above, Article 29(1) (a).

[316]O. A. Cabrera & L.O. Gostin, 'Human Rights and the Framework Convention on Tobacco Control: mutually enforcing system' International Journal of Law in Context, 7,3 Cambridge University Press, p. 295.

[317]Section 25 and 26 of the Kenya Tobacco Control Act 2007.

[318]Section 2 of the South Africa Tobacco Products and Control Amendment 2009.

of the said clause is principally on tobacco production and particularly, on the employment of children as labourers to grow tobacco and produce tobacco products. The International Labour Organisation (ILO) describes *'harzardous child labour'* to involve *'work that is performed by children in dangerous unhealthy conditions that can lead to a child being killed, injured or made ill as a result of poor safety and health standards or environmental conditions.'*[319]

In Uganda, 25% of children between 5 to 17 years are engaged in child labour, with 51% of them doing work that exposes them to health hazards, including handling pesticides, carrying heavy loads, and using adult tools that can be dangerous for them. The highest percentage of child labourers (34%) is under the age of 12.[320]

Tobacco is a very labour intensive activity requiring significant attention to each plant. As a result, tobacco growers are tempted to use children as cheap labour thus, not only exposing them to long hours but also, to poisonous fertilizers and the tobacco leaves.[321] Clause 16 of the Bill will therefore protect children from harmful forms of work and against exploitation, and this is in line with Article 34(4) of the Constitution of Uganda and Article 32 of the Convention on the Rights of the Child (CRC).

8.2.3.8 Insulation of public health policies from commercial and other vested interests of the Tobacco industry

The Bill under Clauses 18 to 23 restricts the interactions of the tobacco industry with Government agents/institutions that are involved in the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control. This provision is also provided for under Article 5(3) of the WHO FCTC as a protection measure to help prevent conflict of interest and undue interference during occupational activities. This provision will therefore ensure that such interactions with the tobacco industry are only strictly necessary under transparent and accountable circumstances. There is no doubt that partnerships, payments, gifts, contributions or incentives solicited for, or offered by the tobacco businesses to Government institutions, officials or employees can create conflict of interest.

8.2.3.9 Penalties

The Bill under clauses 16, 24, 40, 41 and 42 provides for sanctions and penalties in cases of non compliance with the provisions of the Bill by defaulting persons, legal entities, and authorised officers. These penalties include imprisonment, monetary penalties and administrative sanctions such as the suspension of licenses of entities, seizure, forfeiture and destruction of prohibited materials. The Bill lifts the corporate veil by also holding agents of legal entities accountable for offences committed by a legal entity.

8.2.4 Human Rights Concerns Arising from the Provisions of the Bill

As previously noted, the enactment of a Tobacco Control Act is a requirement as per Uganda's obligations under the WHO FCTC treaty. The UHRC however notes that the WHO FCTC imposes minimum standards that should be enforced by signatory States while implementing tobacco control measures such as those provided for in the Bill. It is therefore also observed with concern that the Bill does not provide for the implementation of all the minimum requirements as specified in the aforementioned treaty, as such leading to potential human rights violations some of which are summarised here below.

[319] ILO Convention182 on the Worst Forms of Child Labour.

[320] http://www.eclt.org/project-countries/uganda/ Eliminating Child Labour in Tobacco Growing in Uganda (ECLT) Foundation Last accessed 7 July 2014.

[321] n 308 above.

8.2.4.1 Prohibition from smoking within 100 metres from a public place and work place

As previously stated, the UHRC welcomes the prohibition of smoking in public places, work places and means of public transport as provided for in the Bill,[322] which is aimed at obtaining a smoke-free environment and reducing the exposure of individuals to second hand smoke. In addition, such prohibition is in line with the provisions of WHO FCTC as stipulated in Article 8. In spite of this, Clause 11 (2) (a) stipulates that one cannot smoke in an outdoor place that is within 100 meters of a public building or work place.

UHRC is concerned with the rationale of requiring smokers to stand at least 100 meters away from a public building before they can smoke. A thorough perusal through the WHO FCTC and its guidelines for implementation reveals that smokers are not necessarily required to stand any distance away from public buildings or places. There is therefore no universal requirement for smokers to be a certain distance from a public building or public place before they can smoke; and the issue for consideration should therefore be what would be considered to be reasonable in this regard without necessarily exposing others to second hand smoke or negatively affecting public health.[323]

UHRC therefore recommends that the distance of 100 meters from a public building should be reviewed and brought in line with Article 8 (2) of the WHO FCTC and consultation should be done with health professionals to determine the most reasonable minimum distance.

8.2.4.2 Definition of the word "minor"

The WHO FCTC provides in its Article 16 that each State party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate Government level to prohibit the sale of tobacco products to persons under the majority age set by domestic law or national law.

Clause 16 of the Bill seeks to implement this in prohibiting the supply of tobacco products to a minor. Clause 2 of the Bill defines a 'minor' as 'a person below the age of 21.' However the national and domestic laws in Uganda provide that a child is one below the age of 18.[324] The Bill therefore creates an inconsistency in the law by referring to a "minor instead of a child" and additionally, by referring to a minor as a person below 21 years instead of 18 years as provided for in the existing national laws.

UHRC therefore recommends that in this provision of the Bill the word and definition of a 'minor' should be replaced with that of a 'child' in line with the existing national laws.

8.2.4.3 Composition and Funding of Tobacco Control Committee

Clause 3 of the Bill establishes a Tobacco Control Committee (hereinafter the Committee) with its functions laid out in Clause 5 of the Bill. Clause 7 further provides that the Committee shall have a secretariat. Concerns have been raised over the practicality and financial implications of coordinating and operating a large Committee comprised of 19 members. There are proposals for the strengthening and reinforcing the National Tobacco Control Focal Point within the Ministry of Health to take on the functions of the proposed Tobacco Control Committee as a 'more practical and cost effective manner of implementing the tobacco control programmes and policies as opposed to creating a whole new committee.

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[322] n 312 above, Clause 11.

[323] n 317 above, Section 33. It simply states that smoking in public areas is prohibited. There is no provision stipulating how far a smoker should stand from a public building before they can smoke. The Smoke Free Environment Act 2013 of Australia states one must be 4 meters from the entrance of public building before they can smoke. In Alberta Canada, the law provides that one has to be 5 meters away from the doorways of public buildings before they can smoke. In California, USA, one cannot smoke within 6 meters of a public building.

[324] 1995 Constitution of Uganda and Section 2 of the Children Act Cap 59.

Although the UHRC agrees that the membership of the Committee is large, it is of the view that the establishment of a multi sectoral Committee[325] with representatives from selected Government sectors and the civil society is necessary especially since their mandates pertain to tobacco control, production and consumption. Furthermore, due to its multi-sectoral nature, the Office of the Prime Minister is best suited as the Chairperson to coordinate the Committee.

With regards to funding the functions of the Committee, Clause 5(d) suggests that the Tobacco Control Committee should mobilise its own funds to enable it carry out Tobacco Control programmes. However, this contravenes Article 5 (2) (a) of WHO FCTC which requires the State to finance such a Committee, and not to leave mobilisation of the required funds to the Committee itself. Under Section 7 of the Kenyan Control Act 2007, a Tobacco Control Fund was established with funds appropriated to them by parliament, a compensatory compulsory contribution paid by licensed cigarette manufacturers and sums collected from fines paid.

The UHRC therefore recommends that:

- *The number of members of the Committee be reduced from 19 to only include key representatives from the Government Sector (whose participation shall be funded by the line ministries) and the civil society;*
- *The Committee would have powers to co-opt other members where necessary;*
- *The Committee should be chaired by representative from the Office of the Prime Minister as suggested in Clause 3 (2) (a) of the Bill; and*
- *A Tobacco Fund be establishment with its sources of funds indicated to cater for activities such as research, documentation and dissemination of information on tobacco and tobacco products and to promote national cessation and rehabilitation programmes.*

8.2.4.4 Price and tax measures to reduce the demand of tobacco

Article 6 of the WHO FCTC provides that price and tax measures are an effective way to reduce tobacco consumption especially among the youth. The Bill however does not provide for any specific price and tax measures that should be put in place to deter tobacco consumption especially among the vulnerable groups such as the youth. There is no duty imposed, for instance, on the Ministry of Finance to implement the relevant tax policies and where appropriate price policies on tobacco products.[326]

UHRC therefore recommends that the Bill should contain a provision that places a duty on Ministry of Finance to implement tax policies and where appropriate price policies on tobacco products.

8.2.4.5 Labelling and Packaging

As noted already, UHRC welcomes the mandatory labelling and packaging requirements that will enhance the potential consumer's knowledge of the risks associated with tobacco products. Clause 14 (2) of the Bill requires that the pictures and texts that contain health warning messages should be a minimum of 75% of each display area. Article 11 (1) (b) (ii) of the WHO FCTC requires that the health warnings should cover at least 50% of the display area.

[325] n 295 above, Article 5 (2).

[326] n 323 above, Section 12. It provides for implementation of tax and price policies where appropriate on tobacco and tobacco products

The Tobacco Control Bill imposes 75% display cover, which is 25% above the standard WHO FCTC requirement. At 50%, the writings and pictorials containing the health warnings would cover half the unit and as such, would be clearly visible and prominent to all. At 75%, this would cover three quarters of the unit.[327]

UHRC therefore recommends that the 50% display cover for health warnings as stipulated in Article 11 of WHO FCTC is sufficient enough.

8.2.4.6 Education and public awareness

The UHRC noted that the Bill does not provide specifically for public awareness, education and training in respect to Tobacco Control. Article 12 WHO FCTC is clear in this respect, and requires State parties to implement measures including legislative ones, that ensure access to educational and public awareness programmes as a key element in the endeavours for the realisation of decline in tobacco consumption.

Article 12 (1) of the CESCR provides for the right to highest attainable standard of physical and mental health, which is one of the main rights that this Bill seeks to protect. The UN Committee on Economic Social and Cultural rights in interpreting Article 12 stated that the right to health is an inclusive right, including access to a health related education and information.[328] The Committee further stated that the right to health must encompass information accessibility which includes the right to seek, receive and impart information and ideas.

In addition to this, in interpreting Article 12 (2) (c) which requires States to prevent, treat and control diseases, the UN Committee on Economic Social and Cultural rights stated that the States should establish prevention and education programmes for behaviour-related health concerns, which certainly applies to the health risks of using tobacco products.[329] However, the Bill has no provisions relating to the need for educational information or training in respect to tobacco control, which is a minimum requirement stipulated in Article 12 of WHO FCTC. Similarly, there are no provisions in the Bill or a national policy that provides for preventive educational programmes yet, education on the health risks of tobacco consumption is an obligation of State parties to the CESCR according to the General Comment 14 interpretation of the Article 12 (2) (c), as explained above.[330]

UHRC therefore recommends that:

- *The development of national initiatives and programmes for public awareness, education, training, information and communication that relate to tobacco control should be provided for in the Bill to bring it in line with Article 12 of WHO FCTC; and*
- *A national policy be developed to comprehensively provide for public awareness, education, training, information and communication that relates to tobacco control.*

8.2.4.7 Promotion of cessation of tobacco use

UHRC has also observed that there is no provision in the Bill or a national policy about promoting cessation of tobacco use and adequate treatment for tobacco dependency. This is a requirement under Article 14 of the WHO FCTC and as such, should be reflected in the Bill and more comprehensively within a national policy.

[327] As above, Section 30. The Kenya Tobacco Control Act provides for 50% coverage of the unit.

[328] n 310 above.

[329] n 325 above, para 16.

[330] n 327 above, Section 9. The law provides for comprehensive public awareness, education and information campaigns.

The UHRC therefore recommends:

- *The Bill should include provisions on the development of national cessation programmes and policies in order to inform the establishment or strengthening of an infrastructure to support and promote tobacco cessation and treatment of tobacco dependency;*
- *A national policy be developed to comprehensively provide for tobacco cessation and treatment of tobacco dependency.*

8.2.4.8 Viable alternative economic activities

Currently, there are 60,000 farmers in Uganda in over 25 districts in the regions of West Nile, Bunyoro, Mubende and North Kigezi, who depend on tobacco growing as their main or sole economic activity.[331] This is a sizeable number of Ugandan citizens who are economically dependent on tobacco growing for their livelihood. The regulation of consumption of tobacco and its products as being introduced by the Bill, will therefore have an effect on the livelihood and earnings of these tobacco farmers, as well as related traders and their families. In this respect, Article 17 of the WHO FCTC provides that State parties should promote economically viable alternatives for tobacco growers and workers.[332] Accordingly, it is absolutely necessary for Uganda to address the valid concerns of such people as they are encouraged to turn to alternative economic activities.

The UHRC therefore recommends that:

- *Initiatives by the respective line ministries for the development of viable economic programmes and policies to provide for alternative livelihoods and earnings for tobacco growers in line with Articles 17 and 18 of the WHO FCTC, should be provided for in the Bill; and*
- *A national policy be developed to comprehensively provide for viable alternative economic programmes for alternative livelihoods and earnings for tobacco farmers and traders.*

8.2.5 Conclusion

In general, the Tobacco Control Bill, 2014 commendably seeks to domesticate Uganda's obligations under the WHO FCTC, in order to protect the present and future generations from the devastating health, social, economic and environmental consequences of tobacco consumption. However, the Bill does not ban the sale, purchase, marketing or growing of tobacco. Its purpose is to regulate the consumption of tobacco products and exposure to tobacco smoke, through the inclusion of measures like restrictions on the sale and display of tobacco products; prohibition of smoking in public places and provision for the relevant oversight and enforcement mechanisms. There are however, some human rights concerns raised by the Bill, for instance, the definition of a minor; the 100 metre radius rule; lack of provision for price and tax measures; lack of measures for public awareness; cessation of tobacco use; and viable economic alternative options which need to be addressed in order for the Bill to be good law.

[331] Petition by the Uganda Tobacco Growers Association (UGTA) to the Parliament of Uganda 11th June 2014.

[332] n 330 above, Section 13(1). It provides that the Minister of Agriculture shall put in place policies to promote, as appropriate, economic viable alternatives for tobacco growers.

8.3 RETIREMENT BENEFITS SECTOR LIBERALISATION BILL 2011

8.3.1 Background to the Bill

Uganda has a working population of approximately 14 million individuals working in the formal and informal sector. More precisely, 85% of the 14 million are in the informal sector.[333]

The current pension scheme is composed of the National Social Security Fund (NSSF) governed under the NSSF Act Cap 222 for employees in the private sector, and the Public Service Pension Scheme (PSPS) for civil servants. The PSPS is a non- contributory scheme governed by the Pensions Act Cap 286. This pension system therefore currently covers only part of the people employed in the formal sector and those working in the Government which constitutes 4.9% of Uganda's workforce.[334] The others in the formal sector which includes those who are self-employed are excluded from this current system.

The Retirement Benefits Sectors Liberalisation Bill 2011 (Bill) seeks to liberalise the retirement benefits sector to include other licensed retirement benefits scheme providers. This is apart from the mandatory contribution under the Public Service Pension Scheme for civil servants and the National Social Security Fund which is responsible for benefits in the private sector. The Bill proposes to reform the current retirement benefits sector by repealing the Pensions Act, Cap 286, the National Social Security Fund Act Cap 222, and also to provide for mandatory contributions for all employees including those in the informal sector.[335]

8.3.2 Summary of objectives of the Bill

The main purpose of the Bill is to liberalise the retirement benefits sector to remove monopoly over mandatory contributions and to provide for fair competition among licensed retirement benefits schemes in the private sector. Furthermore, the Bill aims to convert the Public Service Pension Scheme (PSPS) for civil servants into a contributory one.[336] Other objectives include: To provide for the transfer of retirement savings from one scheme to another;[337] to consolidate and reform the law relating to retirement benefits; and to provide for mandatory benefits.

8.3.3 Scope of the Bill

The Bill covers a range of issues in respect to social security protection. Part I of the Bill provides for preliminary matters relating to commencement and interpretation; Part II deals with liberalisation of the retirement benefits sector by allowing licensed retirement schemes to operate and compete for mandatory contributions; Part III deals with mandatory registration and contribution; Part IV looks at benefits; Part V covers accessing of benefits while Part VI contains miscellaneous provisions. Part VII provides for repeal, savings and transition and the two schedules provide for the value of the currency point and guidelines for operating retirement benefits schemes in the liberalised retirement benefits sector.

[333] 'Ministry of Finance Planning and Economic Development, URBA Response to Topical Issues on the ongoing Retirement Benefits Bill, New Vision Monday 12 May 2014 p.22.

[334] ILO department of statistics; Statistical update on employment in the informal sector; http://laborsta.ilo.org/applv8/data/INFORMAL_ECONOMY/2012-06-Statistical%20update%20-%20v2.pdf last accessed on 3 November 2014.

[335] Emphasis added.

[336] Clause 45 of the Bill.

[337] As above, Clauses 9 and 19.

8.3.4 Positive aspects of the Bill

The UHRC welcomes the efforts made towards drafting this Bill in order to bring Uganda in line with its international, [338]regional[339]and national[340]obligations pertaining to the right to social security. Article 9 of CESCR obliges Uganda to recognise the right of everyone to social security, including social insurance which should be available, accessible and adequate with coverage for social risks and contingencies.[341]

The proposed reforms to the retirement benefits sector aim to improve the material conditions for an adequate standard of living for the labour force employed in the formal and informal sectors, through increasing of coverage of the beneficiaries, protection of their savings, provision of a regulated environment to foster accountability and good governance and to prevent incidences of mismanagement of savings. The UHRC finds the following specific aspects of the Bill to be particularly positive and therefore commends them.

8.3.4.1 Opening up of the retirement benefits sector

The Bill on a positive note will open up the retirement benefit sector and provide various options to the Ugandan citizens in respect to what retirement benefits and pension scheme to go for. The mandatory payments shall not be channelled through the NSSF and Public Pension Scheme but instead, the Bill provides one freedom of choice.

Further on this note, the Bill proposes a move to convert the public service pension scheme for civil servants into a contributory scheme which will include civil servants who have worked for less than fifteen years as well as new entrants.[342] This will most significantly reduce the amount of money from the resource envelope being currently spent by Government on non-contributory payments towards civil servants' pension, and therefore reduce the tax payer's burden in this respect with the funds released being used for other national development programmes. This is more fiscally sustainable in the long term and would greatly contribute to advancing Uganda's economy and realising the right to development as enshrined in the ACHPR.[343]

The UHRC therefore welcomes and also strongly supports this measure in the Bill, which is intended to remove the monopoly currently enjoyed by NSSF and therefore, provide for competition in the retirement benefits sector.

8.3.4.2 Mandatory registration and contributions

The Bill provides for the mandatory registration of all employees in the formal sector to a licensed retirement scheme. Currently, under Section 7 of the NSSF Act mandatory registration can only be done when the employer has five employees or more.[344] Therefore, the proposed reform is a positive measure towards ensuring the provision of social security at least for all these people employed in the formal sector.[345] Further, the clause provides for mandatory contributions made to the retirement scheme by

[338]n 185 above, Article 22 & 25 of the Universal Declaration guarantees the right of everyone to social security in the event of unemployment, sickness, disability, widowhood, old age and other livelihood beyond his or her control. Article 10(2) of the CESCR recognises the rights of working mothers to social security benefits. Article 26 of the Convention of the Rights of the Child recognises for every child the right to benefit from social security.

[339]The African Charter on Human and Peoples' Rights has no express provision recognising the right to social security. However, certain aspects of the right may be derived from other rights.

[340]n 265 above, Article 254. The Article explicitly provides for the right to social security in the form of pensions to public officers. Otherwise this right is implied under the National Objectives and Directive Principles of State Policy under Article 8A, VII, XIV, XVIII, XIX, XX, XXI, XXII.

[341]n 49 above, General Comment 19, Right to Social Security (Art. 9) 2008.

[342]n. 337 above, Clause 46.

[343]n 343 above, Article 22.

[344]NSSF Statutory Instrument 222 - 1 Reg. 3

[345]n 337 above, Clauses 7, 8 & 10.

employers in the formal and informal sector, which will ensure the investment of savings and access to mandatory benefits.

8.3.4.3 Portability and transfer of accrued benefits

The Bill in Clause 9 provides for transfer of accrued benefits between various benefits schemes within Uganda and other East African Countries. This allows for continuity of one's savings, and also promotes and ensures one's rights to social security. The transfer of accrued benefits takes into consideration the right to own and access property and freedom of movement of labour[346] within the East African Community as envisioned under the East African Community Treaty Agreement.[347]

8.3.4.4 Mid-term access of benefits

Clause 25 of the Bill allows for one to qualify to access their contributions if they have contributed for a minimum of 10 years, for the purpose of securing a mortgage or a loan for acquiring a residential house. The ability for a member to access their contributions for the purposes of securing a mortgage or as collateral would assist in the provision of basic services such as housing, and also work towards the full provision of social security as required by the CESCR.[348]

8.3.4.5 Improving accessibility of the right to social security

The memorandum to the Bill states that the principles of the Bill include "providing for mandatory contributions for all employees and employers in both formal and informal employment". UHRC welcomes the inclusion of the informal workforce as an important step to improving accessibility of the right to social security, most especially as 69.4% of the workforce in Uganda is employed in the informal non-agricultural sector, and of which 71.9 % are women.[349]

8.3.4.6 Establishment of oversight and enforcement mechanisms

The Bill provides for mechanisms such as the Uganda Retirement Benefits Authority, fund managers, administrators and trustees, in order to provide for the management and administration of the retirement benefit schemes as well as a regulated environment, so as to protect the savings of workers and to ensure the safe investment of savings while minimising potential risk. These actors are expected to contribute to the effective monitoring and implementation of the Bill.

8.3.4.7 Inclusion of savings protection mechanisms

The Bill has provisions that ensure the protection of savings. For instance, Clause 34 provides for benefits not to be liable to attachment, or to be sequestered, or levied upon in respect of debt, or to be assignable or transferable except in a few exceptional circumstances. Clause 5 of the Bill provides for the establishment of a scheme fund where all monies in it are maintained separately from any other funds under the control of the trustees or the fund managers of a retirement benefits scheme. Furthermore, Clause 37 provides for the indexation of benefits so that the value of benefits is not diminished by inflation. This provides the scheme members with a safety net in respect to the protection of their savings and investments.

[346] n 325 above, Article 26 & 29.

[347] Article 104 of the Treaty for the Establishment of the East African Community.

[348] n 348 above, Article 9.

[349] ILO department of Statistics, June 2012

8.3.5 Human Rights Concerns Arising from the Bill

8.3.5.1. Lack of a social protection policy

The Committee on Economic, Social and Cultural Rights in their General Comment 19, which guides the implementation of Article 9 of the CESCR on the right to social security, recommends that State parties develop a national strategy for the full implementation of the right to social security.

The Committee further recommends that State parties are obliged under the CESCR to formulate and implement a national strategy or policy and a plan of action in order to realise the right to social security. This would help guide the nation's endeavour towards attaining the right to social security, including through implementation of the relevant legislation. Such a strategy/policy and action plan would take into account the equal rights of men and women and the rights of the most disadvantaged and marginalised groups. It would be based upon human rights law and principles; it would cover all aspects of the right to social security; and also set targets or goals to be achieved.

The proposed Bill specifically targets the retirement benefits and pension sector which are components of the right to social security. However, it should be emphasised that the enjoyment of the right to social security is for every member of the Ugandan society and not limited to employees working in the formal and informal sectors. State parties should therefore ensure that legislation, policies, and programmes facilitate access to social security for all members of society.

The Committee goes further to state that State parties should give special attention to those individuals and groups who traditionally face difficulties in exercising this right, in particular, women, the unemployed, workers inadequately protected by social security, persons working in the informal economy, the sick or injured workers, people with disabilities, older persons, children and adult dependents, domestic workers, home workers, minority groups, refugees, asylum-seekers, internally displaced persons, returnees, non-nationals, prisoners and detainees.

The UHRC however notes that the Bill has been drafted without a social protection policy in place to guide the legislation programme on the scope of social protection which ranges from the maximum benefits upon retirement, to unemployment benefits. A social protection policy would help to identify gaps within the current retirement benefits sector and best practices based on Uganda's human rights obligations.

It would also help in guiding the choice of the model that would be the most appropriate in the case of Uganda, whilst ensuring that social security is viewed not as a mere social insurance but rather, as an all encompassing multi-faceted human right. The social protection policy would provide a basis for determining coverage, the benefits offered, financing of the different schemes, sustainability and special incentives.[350] This would in turn adequately address issues such as whether the sector should be liberalised and if liberalised, whether this would ensure fair competition for mandatory contributions under Clause 3. More importantly, the policy would guide decision making regarding the different types of legislations to be enacted as well as the specific content of each legislation to be included.

UHRC therefore recommends that:

- *A national policy should be developed to comprehensively provide for social security and protection in order to guide the legislation.*
- *A separate law that caters for the provision of benefits for the unemployed and the vulnerable persons to access social security be drafted and enacted.*

350 Rwanda National Social Security Policy, 2009.

8.3.5.2 Comprehensive coverage

One of the crucial elements of ensuring that the right to social security is realised, is to ensure that it is available and covers certain social risks and contingencies so as to guarantee that all citizens maintain an adequate standard of living irrespective of one's situation.[352] In this regard, the CESCR Committee has stated that the term "social security" should cover all the risks involved in the loss of means of subsistence for reasons beyond one's control. The Committee however recommended that there are nine elementary social risks that must be provided for in the social security system. These include 'health care,' 'sickness,' 'old age,' 'unemployment,' 'employment injury,' 'family and child support,' 'maternity,' 'disability,' and finally 'survivors and orphans benefit.'

The ILO Convention No.102 (1952) on Social Security (Minimum Standards) confirms the same categories as being minimum required benefits under a social security system. Nationally, the 1995 Constitution of Uganda provides that the state shall ensure that all Ugandans enjoy access to pension and retirement benefits, and also make reasonable provision for the welfare and maintenance of the aged.[352] In view of these international and national obligations, UHRC welcomes the various social risks covered as basic benefits in Clause 19. However, UHRC is concerned that Clauses 19, 20 and 21 which list the range of benefits to be made available, are limited in scope and are not reflective of the minimum required benefits as mentioned above.

For instance, Clause 20 stipulates that injury at work benefits should be optional as opposed to being a mandatory benefit. This is clearly contrary to the provisions in the CESCR, which recommend employment injury benefit to be an elementary benefit under social security. It is as well contrary to Uganda's obligation under the CESCR which provides for one's right to a safe and healthy working environment, including the element of compensation in case of a work-related injury.[353]

In addition to this, family and child support are not among those elementary benefits considered in Clause 19 of the Bill. Similarly, basic healthcare benefits in the Bill appear under Clause 21 as a voluntary benefit yet, according to the General Comment 19, it is prescribed as a mandatory benefit. Furthermore, it is not exactly clear when scrutinising the Bill, which criteria was used to distinguish which benefits should fall under the category of mandatory benefits and which ones should fall under the category of optional ones.

The UHRC therefore recommends that the coverage provided for under Clauses 19, 20 and 21 should be reconsidered so as to ensure that all social risks and contingencies as required under the International Covenant on Economic, Social and Cultural Rights are included as mandatory benefits.

8.3.5.3 Migration of the Public Service Pension Scheme into a contributory scheme

Clause 45 of the Bill is to the effect that the non-contributory Public Service Scheme shall on commencement of the Bill migrate to a contributory pension scheme. Although UHRC welcomes this migration, it should be done in such a manner that does not infringe upon or undermine the enjoyment of human rights. If it is not handled with good governance principles in mind, it could potentially lead to the mismanagement of the already existing public servants' savings.

In addition to this, such a migration will, of course, lead to greater and perhaps more aggressive marketing strategies of the various packages of retirement benefits in the market. This brings into question the ability of the current Uganda Retirement Benefits Regulatory Authority's (URBA) capacity to adequately,

[351] n 341 above.

[352] n 325 above, Objective XIV (b) and VII.

[353] n 348 above, Article 7 (b).

efficiently and effectively regulate the potential market explosion that might take place following such a migration.

In this regard, UHRC notes with great concern that the Bill does not provide for the management of such a migration. This lack of regulation surrounding a key and significant migration, threatens the continuity of savings of public servants already in existence.

In addition, UHRC notes with concern that URBRA could potentially face capacity issues when a migration of such sorts occurs. This migration will require URBRA to regulate the proposed Unified Public Service Pension Scheme in addition to all retirement providers. URBRA is currently not even fully functioning and as such, its capacity cannot be taken for granted.

However, UHRC appreciates the necessity now for this Bill to be enacted into law without having to wait until the capacity of URBRA has been adequately established. Nevertheless, the need for enhancement of URBRA's capacity should also be appreciated and appropriate steps taken in this respect, while the proposed migration is being carried out in a phased manner.

The UHRC therefore recommends that the Bill be redrafted to include a phased and managed migration from a non-contributory Public Service Pension Scheme to a contributory Public Service Pension Scheme including strengthening of the capacity of URBRA.

8.3.5.4 Use of ambiguous and outdated terms within the Bill

UHRC is also concerned about the use of certain terms in the Bill that are ambiguous and which could therefore cause confusion and also become contentious in the future. For instance, the words 'disability' and 'invalidity' have been used interchangeably and synonymously throughout the Bill. Disability and invalidity are two separate and distinct circumstances and as such, the two words should not be used interchangeably.

Clause 19(d) of the Bill makes reference to "medical and maternity benefits". The use of these two words together is unclear and very ambiguous. It is unclear whether the two words should be read together or should be viewed as referring to two separate benefits.

Furthermore, Clause 29(6) uses the terms "illegitimate daughter" and "illegitimate son" which are outdated and derogatory.

Clause 7 of the Bill does not make any reference to employees working in the informal sector to register and make mandatory contributions to their respective retirement benefit schemes. However, Clause 10 of the Bill refers to the rate of mandatory contributions for employees in the formal and informal sector. Therefore, there is need to clarify whether employees in the informal sector are required to register and make mandatory contributions to their retirement benefit scheme.

The UHRC therefore recommends that:

- *In this provision of the Bill the word 'invalidity' should be replaced with 'disability' as defined in the Convention on the Rights of Persons with Disabilities.*
- *The provision of the Bill relating to 'medical and maternity benefits' should be made clearer.*
- *The term 'illegitimate' under Clause 29(6) should instead be replaced with the term 'biological.'*
- *Clauses 7 and 10 are made clear in relation to whether employees working in the informal sector are required to register and to make mandatory contributions to a retirement benefit scheme.*

8.3.5.5 Access to Information

Although the Bill has certain provisions in relation to access to information in connection with the individual retirement benefit packages, UHRC notes with concern that there is lack of provisions within the Bill to sensitise the public about retirement benefits, pensions and savings. Seeing that one of the objectives of the Bill is to increase pension cover throughout the country, this cannot be done without sensitisation. Mass awareness and information campaigns inclusive of radio, television, print media and community sensitisation, need to be conducted on a national level in order to inform and educate the public, including the people working in the agricultural sector, on the plans for liberalisation of the pension scheme and how this would affect their rights. The Bill should therefore place a specific function on URBRA to carry out these mass campaigns.

The UHRC therefore recommends that:

- *A provision be inserted in the Bill to cater for sensitisation of the public about the liberalisation of the pension sector and its effects on their rights; and*
- *A national policy be developed to comprehensively provide for public awareness, education, training, information and communication that relates to the liberalisation of the retirement sector.*

8.3.5.6 Tax exemption clause

UHRC welcomes the provisions in Clause 36 that permits benefits, mandatory contributions and voluntary contribution to a certain limit as being exempt from income tax charges. However, UHRC is concerned that Clause 36 in its wording refers to both the words "notwithstanding" and "contrary" which have the same meaning and which would amount to the use of 'double negatives'. The consequence of using two negative elements or using two forms of negation in a sentence is that they cancel each other out to produce a positive outcome or meaning. Therefore, for this sentence to become coherent perhaps the word "contrary" should not be used.

In addition to this, the tax exemption referred to in Clause 36(1) (c) seems to refer to a tax charge on voluntary contributions made by those in the informal sector or the self-employed in relation to 70% of the savings they make. UHRC is concerned that 70% of their savings is a huge percentage to levy a tax charge on. As these are retirement savings, it is the contention of UHRC that any tax implication on such savings should be minimal, if at all in order to preserve a huge amount for the saver.

The UHRC therefore recommends that:

- *The erroneous use of double negatives in Clause 36 is rectified.*
- *The requirement of taxation on 70% of voluntary contributions for those in the informal sector be reviewed.*

8.3.5.7 Policy of the Bill

The memorandum to the Bill stipulates that the policy behind this Bill is to 'remove monopoly over mandatory contributions.' This differs from the objects and the long title to the Bill which is to 'remove monopoly of a single retirement benefits scheme over mandatory contributions.'

The UHRC therefore recommends that the policy in the memorandum to the Bill to 'remove monopoly over mandatory contributions' should be redrafted to be consistent with the provisions in the objects and long title of the Bill.

8.3.5.8 Inclusion of provision for voluntary contributions

The UHRC notes that the objects and the long title to the Bill clearly provide for "mandatory contributions and benefits" but excludes "voluntary contributions and benefits", which are mentioned in Clauses 8 and

21. This also needs to be clearly stated within the objects and long title because this is a crucial aspect in the liberalisation of the retirement benefit sector, and for coherency purposes with the general text of the Bill.

The UHRC therefore recommends that the provision for voluntary contributions and benefits should be added within the objects and long title to the Bill.

8.3.5.9 Definition of Public Officer and Public Service

The Bill in its interpretation section defines a 'public officer' to mean a 'person serving in the Public Service or in any Public Service Institution,' and 'public service' to mean 'service by or for the Government of Uganda and includes persons employed in the public service, parastatal organisations and local authorities, but does not include a member of the Uganda Peoples' Defence Forces.' These definitions differ from the provisions under Article 175 of the 1995 Constitution of Uganda and the Interpretation Act Cap 3 which provide for a 'public officer' to mean 'any person holding or acting in an office in the public service' while 'public service' means 'service in any civil capacity of the Government the emoluments for which are payable directly from the Consolidated Fund or directly out of monies provided by Parliament.'

The UHRC therefore recommends that the definition of 'public officer' and 'public service' should be in line with the provisions in the 1995 Constitution of the Republic of Uganda.

8.3.5.10 Payment of mandatory contributions by the employer in the Informal Sector

Clause 10 (1) provides for payment of mandatory contributions of a minimum of ten percent of the employee's salary by the employer in the informal sector. In light of the current realities in Uganda, the mandatory payment of contributions by employers in the informal sector will have negative repercussions for these employers will be unwilling to take on or keep employees due to the additional cost.

The UHRC therefore recommends that the mandatory contributions for employers in the informal sector of ten percent of the employee's salary be removed or made optional.

8.3.5.11 Reserve Account

Clause 17(1) provides that the retirement benefits scheme shall open and maintain a reserve account into which shall be paid 'any contribution which cannot be allocated to the retirement savings account of a member.' A reserve account is generally defined as 'an account set aside by an individual or business to meet any unexpected costs that may arise in the future as well as future costs of upkeep.'[354] It can be used to service a payment requirement such as a debt service or maintenance.[355]

A suspense account on the other hand is 'an account used temporarily to record receipts and disbursements that are yet to be classified.'[356] Therefore, it is the UHRC's view that a suspense account would be best created under Clause 17(1) while a reserve account would apply to Clause17 (1) (b) and (c) of the Bill.

The UHRC therefore recommends that Clause 17 (1) should be redrafted to include the creation for a suspense account to take into account circumstances mentioned in Clause 17(1) (a) while a reserve account applies to Clause 17(1) (b) and (c).

8.3.5.12 Lack of provision for a Mandatory Retirement Age

Under the interpretation section, 'mandatory retirement age' means the retirement age prescribed in the trust deed of a licensed retirement benefits scheme. Section 12 of the Pensions Act Cap 286 provides

[354] http://www.financial-dictionary.thefreedictionary.com Last accessed on Monday 17 September 2014.

[355] http://www.investopedia.com Last accessed on Monday 17 September 2014.

[356] n. 354 above.

for the compulsory retirement age for public officers to be sixty years. Though the UHRC commends the efforts made in the Bill to increase access to the retirement benefits at a much earlier period, for instance under Clause 32 (a), there is still need for a clear stipulation of a 'uniform retirement age' from regular employment to apply to all retirement benefits schemes, instead of retirement age being determined by the trust deed purposes. Differential provisions on age will make it more challenging for the URSBA to regulate and track the provision of benefits by the various retirement schemes.

The UHRC therefore recommends that a uniform retirement age be provided for in the Bill.

8.3.5.13 Access to age benefits

The Bill provides that a member may access thirty percent of his or her age benefit if the member is fifty years and has contributed for at least ten years.[357] It is the contention of the UHRC that members should access a bigger percentage of age benefits at the age of fifty years since the current life expectancy for Ugandans is 58 years. As it is it would mean that the employees in the formal and informal sector would have only got access to thirty percent of their age benefits at the age of 50 years.

The UHRC therefore recommends that the percentage of age benefits that members may access at the age of fifty years be increased.

8.3.5.14 Access to Survivor's Benefits

Clause 29 (3) (b) provides that no claim can be made by any dependant relative, relatives or any class of them against the retirement scheme for any sum exceeding the balance remaining on the deceased's account after the expiry of three months. The UHRC is of the view that the period given is too short for the relatives of the deceased to make a claim in light of the realities in Uganda such as inadequate provision of information of contact and residential details of relatives and the limited access to media communication and transport.

The UHRC therefore recommends that the period within which the relatives of the deceased can claim survivor benefits under Clause 29(3) (b) be increased.

8.3.6 Conclusion

In conclusion, the Retirement Benefits Sector Liberalisation Bill, 2011 is commendable for attempting to provide for the right to social security for workers that are employed within the formal and informal sectors, with the aim of improving their material conditions for an adequate standard of living, to protect their savings and investments, and also minimise potential risks through the proposed retirement and pension reforms. The UHRC has pointed out the positive aspects of the Bill which include among others: the opening up of the pension sector for competition, portability and transfer of benefits, mandatory registration and contribution as well as the provision of savings safety mechanisms.

However, it is necessary and important to note that the Bill has some provisions that are contentious and which also have human rights implications. These are for instance, lack of comprehensive cover ensuring that all mandatory benefits as prescribed by international law are provided for; cessation of the mandatory payments to NSSF; the use of certain unclear and ambiguous terms; lack of access of information, among others. The Bill has also been drafted in the absence of a social security policy which would have provided the necessary guidance in its formulation, and also clarified the need for another similar legislation to cater for the social security of the people out of employment and the vulnerable groups

UHRC would therefore like to urge Parliament to positively consider the relevant concerns raised, so as to improve the Bill and ensure that it is passed in compliance with Uganda's obligations under international and regional human rights treaties.

[357] n 337 above, Clause 27(2).

CHAPTER 9
GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS

9 INTRODUCTION

In the 16th Annual Report to Parliament, UHRC made recommendations for the Government and various stakeholders to take appropriate action in order to improve the human rights situation of the country. This chapter outlines the various recommendations that UHRC made to the Government in the previous report, and analyses the extent to which the respective agencies have implemented them.

UHRC acknowledges tha actions taken by the Government on the fully implemented recommendations as indicated and the ongoing efforts on the ones that have been partially complied with. Nonetheless, as has been stated in all previous annual reports, UHRC continues to urge the Government to comply with all the recommendations, if there is to be a great improvement in the state of human rights in the country.

In Figure 9.1, the graph depicts the percentages achieved by the Government in respect to implementing the recommendations made UHRC.

Figure 9.1: Government compliance with UHRC recommendations in 2014

9.1 RECOMMENDATION THAT HAS FULLY BEEN COMPLIED WITH

9.1.1 Ministry of Health and National Medical Stores

Ministry of Health and National Medical Stores should train health workers on the procedures of proper requisition of essential drugs and supplies

The Government, in conjunction with USAID, funded a training programme across the country for health workers on ordering and prescribing essential medicines and ARVs. The trained personnel gained skills in storage and inter facility stock transfer, among others. This training took place in 97% of all districts in Uganda. UHRC commends the Government for fully complying with this recommendation and carrying out the training.

9.2 RECOMMENDATIONS THAT HAVE BEEN PARTIALLY COMPLIED WITH

9.2.1 Ministry of Internal Affairs

1) The Ministry of Internal Affairs should expedite the National Identity Card project.

UHRC observes that mass registration for national IDs began countrywide in April 2014. In August 2014, the mass registration was switched to continuous registration at sub-county level. By the end of 2014, 87.6% of the targeted population had been registered. The next phase of data processing and card issuance was planned for 2015.

2) The Ministry of Internal Affairs and the UPF should enhance human rights training programmes for the UPF in order to enhance their appreciation of the importance of respecting, protecting and promoting human rights as state obligations.

In 2014, the UHRC in conjunction with UPF conducted human rights educaion programmes for 918 police officers from the districts of Mpigi, Kayunga, Buikwe, Amuru, Buliisa, Bugiri, Kibuku, Butaleja, Budaka, Busia, Tororo, Masaka, Kalungu, Lwengo, Rakai, Serere, Soroti, Mbarara, Ntungamo, Isingiro, Kiruhura, Bushenyi, Sheema, Buhweju, Mitooma and Rubirizi.

The training curriculum included the basic human rights principles; the role of the Police in the protection and promotion of human rights; the rights of suspects on arrest and in detention; the provisions of the Prevention and Prohibition of Torture Act; Juvenile Justice; integration of human rights in community policing; and the psycho-social context of policing in post-conflict areas.

9.2.2 Uganda Police Force (UPF)

1) UPF should adhere to the law and should be equipped with the necessary facilities to enable them fulfil the constitutional obligation to bring suspects to court within 48 hours.

In 2014, the UPF took some steps in respect to ensuring that all suspects are brought to court within 48 hours.

a) UPF continued to refer to the Professional Standards Unit police officers who detained suspects beyond 48 hours without charge for possible disciplinary action

b) Some suspects were released on police bond when the 48 hours expired.

c) The Directorate of Human Rights and Legal Services deployed 16 officers in 16 districts who carried out regular inspections of police stations to check human right standards. This included establishing suspects that had been detained for more than 48 hours.

2) Government should invest in training and retraining of law enforcement agents to equip them with modern investigation skills; in particular that UPF should acquire modern investigative techniques and equipment to avoid use of torture in obtaining information.

In 2014, the police trained 500 police officers in various skills including investigations. In addition, a modern canine unit was set up to assist in the investigation process.

3) UPF should continue to construct new and old buildings to meet the minimum standards for humane treatment of inmates and suspects.

UPF constructed juvenile centres within their police facilities in 38 districts.

4) UPF should be availed with adequate resources to ensure that detainees are adequately fed, clothed and provided with basic beddings; improve sanitation; and ensure that detainees living with HIV/AIDS access ARVs.

UPF constructed water borne toilets in all its urban police stations. UPF is yet to eliminate the bucket system which is still used in some detention facilities; and to provide adequate food.

5) Children in conflict with the law should be separated from adults in all places of detention

UPF has made an effort in this regard and constructed juvenile centres at police stations in 38 districts.

6) The Ministry of Internal Affairs and the UPF should enhance human rights training programmes for the UPF in order to enhance their appreciation of the importance of respecting, protecting and promoting human rights as state obligations.

In 2014, the UHRC in conjunction with UPF conducted human rights educaion programmes for 918 police officers from the districts of Mpigi, Kayunga, Buikwe, Amuru, Buliisa, Bugiri, Kibuku, Butaleja, Budaka, Busia, Tororo, Masaka, Kalungu, Lwengo, Rakai, Serere, Soroti, Mbarara, Ntungamo, Isingiro, Kiruhura, Bushenyi, Sheema, Buhweju, Mitooma and Rubirizi.

The training curriculum included the basic human rights principles; the role of the Police in the protection and promotion of human rights; the rights of suspects on arrest and in detention; the provisions of the Prevention and Prohibition of Torture Act; Juvenile Justice; integration of human rights in community policing; and the psycho-social context of policing in post-conflict areas.

9.2.3 Uganda Prisons Services

1) UPS should continue to construct new and old buildings to meet the minimum standards for humane treatment of inmates and suspects.

UPS either renovated or constructed new buildings at the following prisons: Gulu, Bushenyi, Mbarara, Kitalya, Moroto, Pader, Kiruhura, Rwimi, Oyam, Apac and Muinaina.

2) UPS should be availed with adequate resources to ensure that detainees are adequately fed, clothed and provided with basic beddings; improve sanitation; and ensure that detainees living with HIV/AIDS access ARVs.

UPS constructed water borne toilets in 40 prisons in the FY 2013/2014. UPS is yet to eliminate the bucket system which is still used in 38% of the prisons and to provide adequate food and access to ARVs

3) UPS should be allocated adequate resources to enable them perform their functions and improve on their working conditions and welfare.

UHRC acknowldgesprogress made by the Government for the progress made thus far in respect to this recommedation. UHRC can report that funding to UPS progressively increased over the last six years. In FY 2008/09 UPS was allocated UGX 41,198,000,000 and in FY 2013/14 it increased to UGX 85,388,000,000. The increase in funding is welcome; although it is still inadequate to fully finance the operations of UPS.

4) The Ministry of Finance, Planning and Economic Development, JLOS and UPS should allocate more funding for transformation of the current prison system into a correctional system focusing on the reintegration and rehabilitation of inmates.

In 2014, JLOS provided resources to the tune of UGX 312,000,000 for a study and for the development of a prisons correctional policy. UPS on the other hand, by the end of 2014, was in the process of entering into a public private partnership with plans to relocate Kigo Prison and build it into a correctional facility centre with a 6000-inmate capacity.

9.2.4 Ministry of Justice and Constitutional Affairs

1) Ministry of Justice and Constitutional Affairs should ensure that the victims of human rights violations are promptly compensated by allocating a specific percentage of its quarterly allocations towards the settlement of awards made by the UHRC

According to UHRC's records from 2003 to 2014, the Government has paid an estimated amount of UGX 2,716,970,223 and UGX 4,549,871,968 was still outstanding. In 2014, the Government paid UGX 974,497,108 of the UHRC tribunal awards. UHRC urges the Government to pay the outstanding tribunal awards.

b) Government should expedite the process of passing a Legal Aid Policy to ensure access to justice for all.

By the end of 2014 a Draft Legal Aid Policy was before the cabinet for approval. Furthermore, guidelines for a draft National Legal Aid Bill were similarly awaiting cabinet approval.

c) Ministry of Justice and Constitutional Affairs and the Uganda Law Reform Commission (ULRC) should amend the laws to prohibit the detention of civil debtors in line with International Covenant on Civil and Political Rights

In 2014, ULRC engaged with the Human Rights Committee of Parliament on this issue. Furthermore, ULRC completed a study on the reform of the Civil Procedure Act and Rules and forwarded the outcomes to the Ministry of Justice for further action.

9.2.5 Justice Law and Order Sector

a) JLOS should strengthen the District Coordinating Committee in order to fast track prolonged detention and improve access to justice.

In 2014 JLOS initiated a consultative process to review the current DCC guidelines in an effort to strengthen them. JLOS also introduced a regional chain link committee and advisory board under new DCC guidelines to strengthen monitoring and tracking issues. JLOS earmarked and allocated 1.3 billion UGX in FY 2014/15 for the purpose of facilitating DCC meetings and activities.

b) JLOS should strengthen mechanisms for diversion of children away from the justice system using ADR mechanisms.

JLOS in conjunction with The Ministry of Gender, Labour and Social Development set up a specialised taskforce and the final draft for the National Juvenile Justice Diversion Guidelines were expected in 2015. UHRC urges the taskforce to finalise guidelines as soon as possible.

c) The Ministry of Finance, Planning and Economic Development, JLOS and UPS should allocate more funding for transformation of the current prison system into a correctional system focusing on the reintegration and rehabilitation of inmates.

In 2014, JLOS provided resources to the tune of UGX 312,000,000 for a study and for the development of a prisons correctional policy. UPS on the other hand, by the end of 2014, was in the process of entering into a public private partnership with plans to relocate Kigo Prison and build it into a correctional facility centre with a 6,000-inmate capacity.

d) JLOS needs to develop a strategy of addressing physical access for vulnerable persons such as persons with disabilities in already existing JLOS structures that are inaccessible.

JLOS, in 2014 developed a concept paper for a strategy on improving physical access for all persons especially vulnerable persons to JLOS service points as part of enhancing access to justice. The concept paper was to be presented to the Working Group, which has representation from the National Union of Disabled Persons in Uganda (NUDIPU) and the Ministry of Gender , Labour and Social Development for consideration in 2015.

9.2.6 The Parliament of Uganda

1) Parliament should ensure the effective application of the human rights checklist in order to enact human rights compliant media laws.

The Parliament of Uganda conducted several workshops in 2014 and sensitised members of parliament especially the heads of various committees on ensuring that the checklist is utilised in the process of deliberating on laws within the committees. Nevertheless, UHRC calls for the training of all MPs in respect to the human rights checklist.

9.2.7 Judicial Service Commission

The Judicial Services Commission should recruit more judicial officers to reduce the case backlog and prolonged detention of suspects and remandees.

The Judicial Service Commission appointed 29 Grade One Magistrates in 2014. However, there still remain vacant positions for judicial officers at the Courts of Record. UHRC acknowldges the appointment of a substative Chief Justice and Deputy Chief Justice in MARCH 2015. UHRC urges the JSC to ensure that these positions are urgently filled.

9.2.8 Ministry of Finance, Planning and Economic Development

1) The Ministry of Finance, Planning and Economic Development, JLOS and UPS should allocate more funding for transformation of the current prison system into a correctional system focusing on the reintegration and rehabilitation of inmates.

In 2014, JLOS provided resources to the tune of UGX 312,000,000 for a study and for the development of a prisons correctional policy. UPS on the other hand, by the end of 2014, was in the process of entering into a public private partnership with plans to relocate Kigo Prison and build it into a correctional facility centre with a 6,000-inmate capacity.

9.2.9 Uganda Registration Services Bureau

The Uganda Registration Services Bureau should increase its efforts in ensuring the country wide registration of births in Uganda to address the issue of age determination of children in conflict with the law.

1) URSB registered more births country wide with 579,592 new births registered in 2013/2014 up from 258,206 in FY 2012/2013.

2) URSB also installed an operational mobile registration system for registering births in 33 districts including the five KCCA divisions in Kampala Disctrict. This is to be replicated in all 112 districts if funding is increased.

3) URSB improved on the period in which a birth certificate is issued. It now takes two days for URSB to produce a birth certificate from the previous 18 – 25 days.

UHRC urges the Government to increase funding to URSB inorder to ensure continued progress in the country-wide birth registration.

9.2.10 Uganda Communications Commission

The Uganda Communications Commission should ensure increased and sustainable accessibility, affordability, and penetration of the internet since it enhances the work of journalists.

a) UCC made use of its Rural Communication Development Fund (RCDF) to grow internet usage in 2014.

b) UCC created a competitive environment that attracted more providers into the market in 2014. There were more than 10 internet providers in the country some of whom started operations in 2014.

9.2.11 Ministry of Gender , Labour and Social Development

1) The Ministry of Gender, Labour and Social Development should set a minimum wage

The Cabinet set up a special committee to study the minimum wage issue. UHRC encourages this special committee to expedite the process so that a minimum wage can be set.

2) The Ministry of Gender, Labour and Social Development should roll out the Senior Citizens Grant to older persons in all districts of Uganda.

In April 2014, the Ministry announced that the grant would be rolled out to all districts in the FY 2014/2015. By the close 2014, the social grant to senior citizens was only existent in the 14 pilot districts of Kiboga, Kyankwanzi, Mubende, Kyenjojo, Kyegegwa, Kaberamaido, Katakwi, Kole, Nebbi, Zombo, Nakapiripirit, Moroto, Amudat and Napaka. It is not yet rolled out in all districts.

UHRC urges the ministry to prioritise the older persons social grant within its budget and roll out the payment to all districts.

9.2.12 Ministry of Water and Environment

The Ministry of Water and Environment should develop and implement a flood management strategy for all districts prone to floods with focus on de-silting rivers.

The ministry took several actions in an attempt to manage the recurrent floods phenomenon.

1) In 2014, the ministry created a flood disaster management committee.

2) As a long term intervention, there was structured eviction of people from flood-prone areas such as river banks.

3) A sensitisation programme ran through out 2014 whole year in Kibaale District either on radio or through physical meeting with the people.

4) The Government allocated funds to de-silt and rehabilitate roads and bridges in Kasese District.

UHRC urges the Government to develop and implement a flood management strategy as a matter of urgency and routinely de-silt and rehabilitate the roads and bridges.

9.2.13 Judiciary

The Judiciary should strengthen its inspection function in the judiciary so as to ensure that performance of judicial officers is enhanced.

In 2014, the Government launched the Judicial Complaints Handling Framework and the JLOS Inspection Manual and Checklist. The two instruments were to improve the capacity of the judiciary to embrace, adopt and apply a functional and cost-effective complaints handling system.

9.2.14 Ministry of Lands, Housing and Urban Development

The Ministry of Lands, Housing and Urban Development should expeditiously issue a special plan for developing the Albertine region in order to manage the prevailing uncertainty, speculation and misinformation among the people.

1) The Ministry, in 2014, extensively engaged stakeholders in meetings, seminars and workshops in the Albertine Graben physical planning processes at national, regional, district and local levels.

2) The Ministry procured a consultant to prepare a regional physical development plan for the Albertine Graben funded by DFID and World Bank.

3) The Ministry in 2014 constituted a national physical planning technical team for the planning of Albertine Graben comprised of representatives from 14 Government institutions to enhance harmonisation and coordination of expert knowledge.

9.2.15 Ministry of Health

1) The Ministry of Health and the Ministry of Public Service should recruit and fill vacancies in health facilities

The percentage of approved posts filled by health workers increased from 63% in 2012/13 to 69% in 2013/14.

UHRC urges the Government to provide more funding for this.

2) The Ministry of Health should prioritize Hepatitis B and E virus control as a development programme and allocate funding.

The Government has made an effort to control Hepatitis B. Throughout 2014, health front line workers were immunised with some districts delivering the third dose of Hepatitis B vaccine. A strategy for control of Hepatitis B was drawn and the mapping of the 14 high risk districts mainly in north-western Uganda was completed.

9.2.16 Ministry of Public Service

a) The Ministry of Health and Ministry of Public Service should recruit and fill vacancies in health facilities

The percentage of approved posts filled by health workers increased from 63% in 2012/13 to 69% in 2013/14.

UHRC urges the Government to provide more funding for this.

b) The Ministry of Public Service should expeditiously conduct and conclude the verification of the payroll to ensure that civil servants erroneously deleted from the pay roll are reinstated and ghost workers are deleted.

The Ministry of Public Service has made great strides in respect to verifying the pay roll. UHRC notes that the verification process is still ongoing. UHRC urges the Government to finalise the process.

9.2.17 Uganda Law Reform Commission

1) Ministry of Justice and Constitutional Affairs and Uganda Law Reform Commission should review the laws to prohibit the detention of civil debtors in line with International Covenant on Civil and Political Rights

In 2014, ULRC engaged with the Human Rights Committee of Parliament on this issue. Furthermore, ULRC completed a study report on the reform of the Civil Procedure Act and rules and on the prohibition of the detention of civil debtors, which was forwarded to the relevant Ministry for further action. It proposes to conduct a comprehensive study on the issue of abolition of detention of civil debtors so as to come up with the most viable alternatives.

2) Uganda Law Reform Commission should review other laws that have an impact on the Public Order Management Act 2013 such as the Police Act Cap 303 and the Penal Code Act Cap 120

ULRC made extensive proposals for reforms of the Police Act Cap 303 and the Penal Code Act Cap 120 and forwarded them to the Ministry of Justice and Constitutional for consideration. It has been proposed that the provisions on unlawful assemblies and riots that were re-enacted in the Public Order Management Act are repealed.

UHRC urges the Ministry of Justice and Constitutional Affairs to urgently consider the proposed reforms.

9.2.18 Ministry of Foreign Affairs

Government's compliance with its reporting obligations under international and regional human rights instruments

The Ministry of Foreign Affairs was urged to strengthen the reporting and monitoring role of the Inter Ministerial Committee to carry out its functions on reporting on the various treaties and conventions that Uganda is party to.

Uganda has ratified eight of the core international treaties which are the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic Social and Cultural Rights (CESCR); Convention on the Elimination of all forms of Discrimination against Women (CEDAW); International Convention on the Elimination of all forms of Racial Discrimination (CERD); Convention on the Rights of the Child (CRC); Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT); Convention on the Rights of Persons with Disabilities (CRPD); and Convention on the Protection of all the Rights of Migrant Workers and Members of their Families (CMW). It is yet to ratify the International Convention on Protection of all Persons from Enforced Disappearance.

In respect to the regional instruments, Uganda has ratified the African Charter on Human and Peoples' Rights, (ACHPR) including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and the African Charter on the Rights and Welfare of the Child.

Below is a summary status of Uganda's reporting obligations internationally and regionally.

Table 9.1 International reporting status

Status	ICERD	CRC	ICCPR	CAT	CESCR	ICRMW	CRPD	CEDAW	ICED
Ratification	1980	1990	1986	1986	1987	2003	2008	1985	Not yet ratified
Date reports were submitted	**1st report - 1983** **2nd-10th - 2001**	**1st report - 1996** **2nd report - 2003**	**1st Report - 2003**	**1st report-2004**	**1st report - 2012**	**-**	**1st Report - 2013**	**1st and 2nd report** **1992** **3rd report-2000** **4th-7th report-2009**	
Duration since the last report	**Due since 2005**	**Due since 2011**	**Due since 2008**	**Due in 2016** **(initially due in 2008)**		**Due since 2004**		**Due since 2014 – In final stages of submission**	

Table 13.2 Regional Reporting Status

Status	ACHPR	ACRWC
Ratification	**1986**	**1992**
When reports were submitted	1st report – 2000 2nd report – 2006 3rd report – 2008 4th report – 2011 5th report - 2013	1st report - 2007
Duration since the last report	Up to date	2008

9.3 RECOMMENDATIONS THAT HAVE NOT BEEN COMPLIED WITH

The following are the recommendations made by UHRC in its 16th Annual Report to Government ministries, departments and agencies and have not been complied with at all.

9.3.1 Ministry of Foreign Affairs

1) The Government should ratify and domesticate the Optional Protocol to the Convention against Torture which provides for additional mechanisms for the prevention of torture and ill treatment.
2) The Ministry of Foreign Affairs should ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption of Children.

9.3.2 Uganda Prison Services

1) UPS should construct perimeter walls around all prisons in Uganda as a security measure within and outside the prisons, and provide an avenue for inmates to undertake recreation activities.

9.3.3 Ministry of Finance, Planning and Economic Development

1) Government should adequately fund Uganda Human Rights Commission's Civic Education mandate as well as support efforts to streamline civic education delivery in Uganda.
2) The Ministry of Finance , Planning and Economic Development should fully fund the Uganda Human Rights Commission to avoid the challenges associated with dependency on external financial support which has proved to be unreliable

9.3.4 Ministry of Internal Affairs

1) The Ministry of Internal Affairs and the UPF should enhance human rights training programmes for the police force in order to enhance their appreciation of the importance of respecting, protecting and promoting human rights as state obligations.
2) The Ministry of Internal Affairs should strengthen security at Uganda's border points in order to stop illegal immigrants who may include criminals.

9.3.5 Uganda Police Force

1) UPF should spearhead the development of a special prevention and response mechanism to prevent the reoccurrence of murders, including intensification of community policing programmes and rationalised deployment of police officers.
2) UPF should set up counselling units for their personnel to address the psychological trauma associated with their work.
3) UPF should conduct mass community sensitisation on the importance of residents refraining from tampering with scenes of crime to enable the investigators obtain reliable findings, particularly in murder cases.
4) The UPF should arrest and prosecute the stick-wielding gangs who masquerade as law enforcement officers during public demonstrations and usurp the mandate of the police.

9.3.6 Ministry of Gender, Labour and Social Development

1) The Ministry of Gender, Labour and Social Development should ensure that survivors or witnesses of gruesome crime such as murder are afforded psycho-social counselling to address the effects of trauma, with particular attention to children.

9.3.7 Ministry of Local Government

1) The Ministry of Local Government should expedite the process of reviving the local council structures at the grassroots level in order to empower community leaders to effectively play their role in ensuring security.

9.3.8 Ministry of Education and Sports

1) The desk established by the Ministry of Education and Sports to handle student grievances should be strengthened to provide an effective redress mechanism.
2) Appointed head teachers should undergo management training to prepare them for their managerial roles. Refresher courses should be organised for serving head teachers to equip them with human rights knowledge, conflict management skills, so as to enable them to avert violent students' strikes
3) The Ministry of Education and Sports should incorporate Social Gerontology and Geriatrics in the training curriculum up to the national level for social and health workers, respectively.

9.3.9 Office of the Prime Minister

1) The Government should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249 (1) of the Constitution.
2) The Office of the Prime Minister should establish a separate budget for disaster preparedness and management
3) Human Rights Based Approach (HRBA) should be incorporated in disaster preparedness and management

9.3.10 Ministry of Justice and Constitutional Affairs

a) Ministry of Justice and Constitutional Affairs and Ministry of Finance, Planning and Economic Development should establish a Victims Compensation Fund so as to enable timely compensation of victims of human rights violations.
b) Ministry of Justice and Constitutional Affairs should appropriate funds from the Ministry of Finance Planning and Economic Development for a one off clearance of the current outstanding UHRC awards. (Please refer to Annex 16 on the status of UHRC tribunal awards in 2014).

9.3.11 The Parliament of Uganda

The Parliament should ensure that the Retirement Benefits Sector Liberalisation Bill, 2011 complies with human rights standards and consider the UHRC recommendations[358] made in its position on the Bill.

SUMMARY OF GOVERNMENT'S COMPLIANCE AT A GLANCE

Table 9.3 below presents a summary of Government's compliance with the key recommendations of UHRC specifying the responsible institution.

Table 9.3 Summary of Government compliance with key recommendations

RECOMMENDATION	FULL COMPLIANCE	PARTIAL COMPLIANCE	NON COMPLIANCE	RESPONSIBLE INSTITUTION
Training of health workers on the proper requisition essential drugs and supplies				MOH
Uganda Police Force should adhere to the law and should be equipped with the necessary facilities to enable them to fulfill the constitutional obligation to bring suspects to court within 48 hours				UPF
Government should expedite the process of passing a Legal Aid Policy to ensure access to justice for all				MOJCA
Government should invest in training and retraining of law enforcement agents to equip them with modern investigation skills				UPF

[358]Refer to Chapter 8 which presents UHRC position on the Retirement Benefits Sector Liberalisation Bill 2011.

RECOMMENDATION	FULL COMPLIANCE	PARTIAL COMPLIANCE	NON COMPLIANCE	RESPONSIBLE INSTITUTION
Uganda Police Force and Uganda Prisons Services should continue to construct new and old buildings				UPF UPS
Uganda Police Force and Uganda Prisons Services should improve the welfare of those detained in their facilities.				UPF UPS
Strengthening of the District Co coordinating Committees				JLOS
Children in conflict with the law should be separated from adults in all places of detention				UPF UPS MOGLSD
There should be countrywide registration of births in Uganda to address the issue of age determination of children				URSB
Adoption and implementation of the draft guidelines on the functionality and operationalisation of the District Human Rights Desks				MOLG
The Uganda Communications Commission should ensure continued increase in accessibility, affordability, and penetration of the internet since it enhances the work of journalists Review other laws that have an impact on the Public Order Management Act 2013 such as the Police Act Cap 303 and the Penal Code Act Cap 120				UCC
Effective application of the Human rights checklist in order to enact human rights compliant laws.				Parliament
Introduction of the Minimum wage				MOGLSD

RECOMMENDATION	FULL COMPLIANCE	PARTIAL COMPLIANCE	NON COMPLIANCE	RESPONSIBLE INSTITUTION
Development and implementation a flood management strategy for all districts prone to floods with focus on de-silting rivers.				MOWE
The Judiciary should strengthen the inspection function in the judiciary so as to ensure that performance of judicial officers is enhanced				Judiciary
The Ministry of Land, Housing and Urban Development should expeditiously issue the special plan for developing the Albertine region				MOLHUD
Ministry of Health and Public Service should recruit and fill vacancies in health facilities as per the demands of human resources staffing norms				MOH MPS
Roll out the Senior Citizens Grant to older persons in all districts of Uganda				MOGLSD
Ministry of Health should prioritize Hepatitis B and E virus control as a development program and allocate funding				MOH
Expeditiously conduct and conclude the verification of the payroll to ensure that civil servants erroneously deleted from the pay roll are reinstated and ghost workers are deleted				MOPS MOFPED
Ensure that the Retirement Benefits Sector Linearization Bill complies with human rights standards				Parliament
Develop a strategy of addressing physical access for vulnerable persons such as persons with disabilities in already existing JLOS structures that are inaccessible				JLOS
Expedition of the National ID Project				MIA

RECOMMENDATION	FULL COMPLIANCE	PARTIAL COMPLIANCE	NON COMPLIANCE	RESPONSIBLE INSTITUTION
The UPF, UPS and UPDF should be availed with adequate resources to ensure that detainees are clothed and provided with basic beddings and ensure detainees living with HIV /AIDS access ARVs				MoFPED UPF UPS UDPF
The Ministry of Finance, Planning and Economic Development should fully fund UHRC				MOFPED
Spearhead the development of a special prevention and response mechanism to prevents the re occurrence of murders				UPF
Ratify and domesticate the Optional Protocol to the Convention against Torture which provides for additional mechanisms for the prevention of torture and ill treatment				MOFA
Construct perimeter walls around all the prisons in Uganda as a security measure within and outside the prisons and to provide an avenue for inmates to undertake recreation activities				UPS
Adequately fund Uganda Human Rights Commission's Civic Education mandate as well as support efforts to streamline civic education delivery in Uganda				MOFPED
Enhance human rights training programs for the police force in order to enhance their appreciation of the importance of respecting, protecting and promoting human rights as state obligations				MIA UPF
Fully fund UHRC				MOFPED

[369] Refer to Chapter 8 which presents UHRC position on the Retirement Benefits Sector Liberalisation Bill 2011.

RECOMMENDATION	FULL COMPLIANCE	PARTIAL COMPLIANCE	NON COMPLIANCE	RESPONSIBLE INSTITUTION
Spearhead the development of a special prevention and response mechanism to prevent the re – occurrence of murders , including intensification of community policing programmes and rationalized deployment of police officers				UPF
Set up counseling units for their officers to address the psychological trauma associated with their work				UPF
Conduct mass community sensitization on the importance of residents refraining from tampering with scenes of crime to enable the investigators to get reliable findings, particularly on murder cases.				UPF
Ensure that the survivors or witnesses of these murders are afforded psychological counseling to address the effects of trauma with particular attention to children				MOGLSD
Expedite the process of reviving the local council structures at the grassroots level in order to empower community leaders to effectively play their role in ensuring security.				MOLG
Strengthen security at Uganda's border points in order to stop illegal immigrants who may include criminals.				MIA

ANNEXES

Annex 1: Radio talk shows conducted and spot messages aired in 2014

SN	NAME OF RADIO STATION	TOPIC DISCUSSED/ THEME	FREQUENCY	LANGUAGE USED TO COMMUNICATE
		Radio talk shows		
1.	Better FM	-Children's rights and responsibilities as well as the parents' duties and responsibilities	1	English, Runyoro-Rutooro, , Runyankore-Rukiga and Luganda
2.	102 KRC FM	-Concept of human rights -Women's rights -Children's rights and -Domestic violence	1	Runyankore-Rukiga, Runyoro-Rutooro and Rukonzo
3.	Luo FM - Pader	-UHRC and mandate -Rights of women -Land rights and where to report land disputes	2	Luo
4.	Kiti FM - Kitgum	-Duties and responsibilities of olice -UHRC and mandate	1	Luo
5.	Shine FM - Oyam	-The Prevention and Prohibition of Torture Act 2012 -Rights of suspects	1	Luo
6.	Apac FM - Apac	-The Prevention and Prohibition of Torture Act 2012 -Rights of suspects	1	Luo
7.	Voice of Lango -Lira	-The Prevention and Prohibition of Torture Act 2012 -Rights of suspects	1	Luo
8.	Radio King	-Women's rights and parental responsibilities -The role of police in handling violence against women	1	Luo
9.	Tembo FM	- The Anti-Torture Act 2012 and why 26th June is commemorated -The role of UHRC and ACTV in handling torture victims	1	Luo
10.	Radio Palwak	-The Anti-Torture Act 2012 and why 26th June is commemorated -The role of UHRC and ACTV in handling torture victims	1	Luo

SN	NAME OF RADIO STATION	TOPIC DISCUSSED/ THEME	FREQUENCY	LANGUAGE USED TO COMMUNICATE
11.	Radio Waa	-The Anti-Torture Act 2012 and why 26th June is commemorated -The role of UHRC and ACTV in handling torture victims	1	Luo
12.	Gulu FM	-The Anti-Torture Act 2012 and why 26th June is commemorated -The role of UHRC, HURIFO and ACTV in handling torture victims	1	Luo
13.	Rhino FM - Lira	-Land rights, land tenure system, adjudication points and related issues	1	Luo
14.	Peace FM Limited - Kitgum	-Land rights and where to report land disputes -UHRC and mandate	1	Luo
15.	Kings Broadcasting Services	-Concept of human rights, -UHRC and mandate -Torture - Mob justice and popularisation of the new regional office	2	Runyoro-Rutooro
16.	Radio Kiboga	-Concept of human rights -UHRC and mandate -Workers' rights - Rights of detainees	2	Luganda, Runyoro-Rutoto and English
17.	Spice FM	-UHRC and mandate -Workers' rights	1	Runyoro-Rutooro, English and Luganda
18.	Radio Kitara	-Concept of human rights -UHRC and mandate -Rights of detainees -Children's rights -Women's rights	2	Runyoro-Rutooro and English
19.	Emambya FM	-Concept of human rights -UHRC and mandate -Rights of suspects -Children's rights	1	Runyoro-Rutooro and English
20	Kibaale Kagadi Community Radio	-UHRC and mandate -Mob justice -Children's rights - Rights of suspects	1	Runyoro-Rutooro, English and Luganda

SN	NAME OF RADIO STATION	TOPIC DISCUSSED/ THEME	FREQUENCY	LANGUAGE USED TO COMMUNICATE
21	Baaba FM	-Freedom from torture, cruel, inhuman or degrading treatment and punishment (Prevention and Prohibition of Torture Act 2012) - Rights of children and their responsibilities -Rights of suspects -Rights of persons with disabilities	1	English , Luganda and Lusoga
22	Eastern Voice FM	-The concept of human rights -UHRC and mandate	1	English , Luganda and Lusoga
23	Rock Mambo	-Rights of women with specific focus on gender-based violence	1	English , Luganda and Lusoga
24	Masaka FM	-Rights of prisoners -Corruption and human rights -UHRC and mandate -Right to a clean and healthy environment -Concept of human rights -Freedom from torture -Right to vote -Right to political participation -Right to representation -The role of UHRC in promotion and protecting human rights - Rights of children - Access to justice	11	Luganda
25	Radio Buddu	-Domestic violence vis-à-vis children's rights -Role of the public in human rights promotion and protection	2	Luganda
26	Vision Radio	-Domestic violence -A family as the first unit of everything, rights and duties of each family member -Torture and how it hinders development	3	Runyankore- Rukiga
27	Radio Maria	-Empowerment of women and girls in Uganda	1	Runyankore- Rukiga
28	Radio West -Mbarara	-International Human Rights Day theme 'Human Rights 365 Days'. -Concept of Human rights	1	Runyankore-Rukiga
29	BFM Radio-Bushenyi	-Complaints handled by the Commission and procedure of registering them	1	Runyankore-Rukiga

SN	NAME OF RADIO STATION	TOPIC DISCUSSED/ THEME	FREQUENCY	LANGUAGE USED TO COMMUNICATE
30	Rwenzori FM	-Concept of human rights -UHRC and mandate	1	Runyankore-Rukiga
31	104.7 Nenah FM	-Right to health (hepatitis outbreak in Napak district.)	1	English and Ng'akarimojong
32	Luo FM 92.4	-Facts about UHRC -Overview of UHRC Client Charter	2	Leb-thur
33	Buwama FM	-Concept of human rights -Women's rights -Mandate of UHRC	2	Luganda
34	Musana FM Nakaseke	-Prevention and Prohibition of Torture Act 2012 - UHRC and mandate	1	Luganda
35	Radio Kiboga Ltd - Kiboga	-Concept of human rights -UHRC and mandate -Children's and women's rights	1	Luganda
36	Heart FM - Mubende	-UHRC and mandate -Concept of human rights	1	Luganda
37	UBC Buruli FM - Nakasongola	-Concept of human rights -Mandate of UHRC	1	Luganda
38	Spirit FM 104.5	-UHRC and its mandate	1	English and Luganda
39	Voice of Life 100.9	Rights and responsibilities of children	2	English
40	Amani Radio Ltd - Adjumani	-Concept of human rights -UHRC and mandate -Rights of suspects	3	English and Madi
41	Arua One	-Rights of suspects	1	English
42	Radio Pacis 90.9 FM	-Mob justice -Rights of suspects -Children's rights and duties	3	English and Lugbara
43	Radio Paidha	-UHRC and its mandate -Rights of suspects	1	Alur and English
44	Transnile Broadcasting Service	-Concept of human rights -UHRC and mandate	1	Madi and English
45	Teso Broadcasting service	-Right to property -Rights of suspects -Dissemination of the annual report - Freedom from torture -Constitutionalism -Latest report of UHRC -International human rights day	7	Ateso and English
46	Gold Radio - Mbale	-Anti-Torture day -Mob justice as a human rights violation -Rights of suspects	3	English and Lumasaba

SN	NAME OF RADIO STATION	TOPIC DISCUSSED/ THEME	FREQUENCY	LANGUAGE USED TO COMMUNICATE
47	Kyoga Veritas	-UHRC and mandate	1	Ateso and English
48	Radio Sapiencia	-Joint advocacy by UHRC and CAT to popularize the new anti-torture law	1	Luganda
49	Metro FM	-Joint advocacy by UHRC and CAT to popularise the new anti-torture law	1	Luganda
50	Pearl FM (Nnamwatulira)	-Joint advocacy by UHRC and CAT to popularize the new anti-torture law	1	Luganda
51	Radio Simba (Olutindo)	-Joint advocacy by UHRC and CAT to popularise the new anti-torture law -Mandate of the UHRC and information on countrywide geographical mapping of UHRC	6	Luganda
52	Mama FM	-Joint advocacy by UHRC and CAT to popularise the new anti-torture law	1	Luganda
53	Sanyu FM	-Mandate of the UHRC and information on countrywide geographical mapping of UHRC	3	English
54	Radio Two	-Launch and contents of the UHRC 16th Annual Report and the Mandate of UHRC	1	Luganda
55	93.3 KFM	Mandate of the UHRC and information on countrywide geographical mapping of UHRC	2	English
RADIO SPOT MESSAGES				
SN	**NAME OF RADIO STATION**	**TOPIC/THEME**	**FREQUENCY**	**LANGUAGE USED TO COMMUNICATE**
1	Life FM	Domestic violence, duties of students, child labor, early child marriages, mob justice, rights of suspects, personal liberty, freedom from torture and child maintenance	168	Runyoro-Rutooro and Rukonzo
2	Voice of Kamwenge FM	Domestic violence, duties of students, child labor, early child marriages, mob justice, rights of suspects, personal liberty, freedom from torture and child maintenance	90	Rutooro-Runyoro and Runyankore-Rukiga
3	Radio King, Radio Rupiny, Mega FM	Prevention and Prohibition of Torture Act 2012	84	Luo

SN	NAME OF RADIO STATION	TOPIC DISCUSSED/ THEME	FREQUENCY	LANGUAGE USED TO COMMUNICATE
4	Mega FM	Prevention and Prohibition of Torture Act 2012	165	Luo
5	Spice FM, Radio Hoima, Emambya FM, Radio Kitara	Right to personal liberty and rights of suspects	620	Runyoro-Rutooro and English
6	Spice FM, Radio Hoima, Emambya FM, Radio Kitara	Right to personal liberty and rights of suspects	600	Runyoro-Rutooro and English
7	Spice FM, Radio Hoima, Emambya FM, Radio Kitara	Rights of suspects and personal liberty	620	Runyoro-Rutooro and English
8	Liberty FM	Right to personal liberty	150	Runyoro-Rutooro and English
9	104.7 KFM	Value of adducing evidence at the human rights tribunal	64	English and Ng'akarimojong
10	Buwuma FM	Prevention and Prohibition of Torture Act 2012	159	Luganda
11	Musana FM	Prevention and Prohibition of Torture Act 2012	99	Luganda
12	Mubende Heart FM	Prevention and Prohibition of Torture Act 2012	100	Luganda
13	UBC Buruli FM	Prevention and Prohibition of Torture Act 2012	120	Luganda
14	Arua one 104.5 FM	Freedom from torture, focusing on the Prevention and Prohibition of Torture Act 2012	90	English, Lugbara and Kiswahili
15	Radio West	Mandate of the UHRC and information on countrywide geographical mapping of UHRC	50	Luganda
16	Radio Veritus - Soroti	Mandate of the UHRC and information on countrywide geographical mapping of UHRC	50	Luganda
17	Radio Simba	Mandate of the UHRC and information on countrywide geographical mapping of UHRC	50	English
18	Mega FM	Mandate of the UHRC and information on countrywide geographical mapping of UHRC	50	Luo
19	Nenah FM	Mandate of the UHRC and information on countrywide geographical mapping of UHRC	50	Ng'akarimojong
20	Capital Radio	Mandate of the UHRC and information on countrywide geographical mapping of UHRC	59	English
21	Etop Radio - Soroti	Freedom from torture	35	Ateso

Annex 2: Television talk shows and infomercials in 2014

SN	ACTIVITY	NAME OF TELEVISION STATION	COVERAGE	THEMES	NUMBER OF TALK SHOWS	LANGUAGE	KEY OUTPUTS OF THE ACTIVITY
1	**Television talk shows**	Bukedde TV (Mini Buzz)	Kampala, Wakiso, Entebbe	Joint advocacy by UHRC and CAT to popularise the new anti-torture law	02	Luganda	Contents, relevance and application of the new anti-torture law created among viewers
Television infomercials							
SN	ACTIVITY	NAME OF ELEVISION STATION	COVERAGE	THEMES	NUMBER OF INFOMERCIALS	LANGUAGE	KEY OUTPUTS OF THE ACTIVITY
1	**Television infomercial**	NTV	Kampala, Wakiso, Entebbe	Mandate and key functions and location of UHRC offices countrywide	43	English	Human rights awareness created and mandate of UHRC understood by the viewers

Annex 3: Newspapers and other supplements and adverts run in 2014

SN	NAME OF NEWSPAPER	TOPIC/THEME	SIZE OF ADVERT	LANGUAGE USED TO COMMUNICATE
1	New Vision	Commemoration of Women's Day on the theme 'Equality for Women is Progress for All'	½ page	English
2	New Vision	Contents of the new anti-torture law/Joint commemoration of Anti-Torture Day	1 page	English
3	New Vision	Message on Nordic National Day (28/05/14)	½ page	English
4	New Vision	Commemoration of World Press Freedom Day on the theme' Media freedom: deepening self-regulation'	½ page	English
5	New Vision	Advertorial on Joint commemoration of International Human Rights Day on the theme 'Human Rights: 365 Days'	1 page	English
6	New Vision	Obituary for former Commissioner Thecla Kinalwa	¼ page	English
7	Daily Monitor	Obituary for former Commissioner Thecla Kinalwa	¼ page	English
8	The Observer	Contents of the new anti-torture law /Joint commemoration of Anti-Torture Day	1 page	English
9	Red Pepper	Commemoration of Women's Day on the theme 'Equality for Women is Progress for All'	1 page	English
10.	Uganda's Journey to Middle-Income Status (Periodic Magazine)	UHRC mandate and functions; achievements and challenges in the protection and promotion of human rights	2 pages	English

SN	NAME OF NEWSPAPER	TOPIC/THEME	SIZE OF ADVERT	LANGUAGE USED TO COMMUNICATE
11.	New Vision	The Prevention and Prohibition of Torture Act at a glance	½ page	English
12.	Daily Monitor	The Prevention and Prohibition of Torture Act at a glance	½ page	English

Annex 4: UHRC Press Conferences in 2014

SN	THEME /TOPIC OF PRESS CONFERENCE	DATE HELD	ADDRESSED BY
1.	Launch of the UHRC Clients' Charter	12th February 2014	UHRC
2	Human rights concerns over repeated calls by police to 'shoot to kill' suspects and call for police to use proportionate force	20th February 2014	UHRC
3.	Concern over the violent reaction of some members of the public to the newly-enacted anti-pornography and anti-homosexuality laws and appeal for respect of the rule of law and review of the laws to remove ambiguities	27th February 2014	UHRC
4.	Launch of UHRC 16th Annual Report on the State of Human Rights in the period 2013	10th April 2014	UHRC
5.	Launch of UHRC Special Report on Oil and Human Rights	20th March 2014	UHRC
6.	Launch of Anti-Torture week activities under the theme 'Fight Torture: Implement the Law'	25th June 2014	UHRC, OHCHR, & CAT (Coalition Against Torture)
7.	Human rights concerns on the suspension of pregnant students by Bishop Barham University College, Kabale; human rights concerns of re-settled communities around Mt. Elgon and the situation of refugees in West Nile sub-region	9th May 2014	UHRC
8.	Call for urgent investigations into the rampant killings of police and respect of the rule of law to stem the escalation of cases of mob action	30th May 2014	UHRC
9.	Human rights concerns arising from the clashes in Rwenzori region and call for urgent interventions by the various stakeholders to achieve sustainable peace in the region	24th July 2014	UHRC
10.	Call for expeditious due process for the housemaid alleged to have tortured a baby in a Naalya home and concerns on the methods of work of KCCA law enforcement agents which resulted into the death of a baby in an accident involving a KCCA motorvehicle	25th November 2014	UHRC
11.	Press statement on the Justice, Law and Order Sector Performance for financial year 2013/14	29th October 2014	Minister of Justice and Constitutional Affairs on behalf of JLOS member institutions
12.	Call for strengthening of partnerships between UHRC and stakeholders in the Sebei sub region in order to foster the protection and promotion of human rights	11th August 2014	UHRC

SN	THEME /TOPIC OF PRESS CONFERENCE	DATE HELD	ADDRESSED BY
13.	Launch of International Human Rights Day commemoration week activities under the theme 'Human Rights: 365'	8th December 2014	UHRC, OHCHR, HURINET, EOC, ACTV and other CSO partners (Joint)

Annex 5: UHRC press releases in 2014

SN	SUBJECT OF PRESS RELEASE	DATE ISSUED
1.	Launch of the UHRC 16th Annual Report on the State of Human Rights in the country for the period 2013	9th April 2014
2.	Monitoring the implementation of the Convention on the rights of persons with disabilities and optional protocol	27th August 2014
3.	Demise of UHRC Commissioner Thecla Kinalwa	1st November 2014

Annex 6: Members and staff of the UHRC as at 31st December 2014

SN	NAME AND LOCATION	DESIGNATION	GENDER	
	Office of the Chairperson		**Female**	**Male**
1	Med. S. K. Kaggwa	Chairperson	-	1
2	Namuleme Gloria	Senior Human Rights Officer	1	-
3	Winnie Ayero Gloria	Senior Administrative Assistant	1	-
4	Nakakande Margaret	Assistant Administrator	1	-
5	Lwanga Moses	Driver	-	1
	Commission Members' Offices			
1	Etima A. A Joseph	Member of the Commission	-	1
2	Felistas Atim Odyek	Assistant Administrator	1	-
3	Sheila Bwebare	Human Rights Officer – Legal	1	-
3	Mugabe Issa	Driver	-	1
4	Katebalirwe Amooti Wa' Irumba	Member of the Commission	-	1
5	Nabasirye Bernadette Byasigaraho	Assistant Administrator	1	-
6	Meddy Nsimbe Musitafa	Driver	-	1
7	Agaba Maguru	Member of the Commission	-	1
8	Evalyne Arinaitwe	Assistant Administrator	1	-
9	Kasaija Alex	Driver	-	1
10	Violet Akurut Adome	Member of the Commission	1	
11	Justine Kaahwa Mwesigwa	Assistant Administrator	1	-
12	Eregu Deogracious	Driver	-	1
13	Stephen Basaliza	Member of the Commission	-	1
14	Mary Stella Achen	Assistant Administrator	1	-
15	Muhereza Myres	Driver	-	1
16	Celine Rose Alonyo	Assistant Administrator	1	
17	Senabulya Ismail	Driver		1

SN	Units/ Section Under Secretary's Office			
	Office of the Secretary			
1	Gordon T. Mwesigye	Secretary to the Commission	-	1
2	Kemigisha Rose Mary	Senior Human Rights Officer/ Editor	1	-
3	Stella Kirenga	Assistant Administrator	1	-
4	Kaahwa Sam Atenyi	Driver	-	1
	Public Affairs Unit			
1	Florence Mukyala Munyirwa	Public Affairs Manager	1	-
2	Justus Muhanguzi Kaampe	Public Affairs Officer	-	1
3	Jenipher Namuyanja	Receptionist	1	-
	Internal Audit Unit			
1	Thadeus Sempijja	Senior Internal Auditor	-	1
2	Kabirigi Immaculate	Internal Auditor	1	-
	Planning Unit			
1	Charles Mukasa	Planner	-	1
2	Swabra Nakato	Assistant Planner	1	-
3	Emorut John	Driver	-	1
	Procurement & Disposal Unit			
1	Kyeyune Ronald	Senior Procurement Officer		1
2	Musimenta Jacqueline	Procurement Officer	1	-
SN	**Directorate of Finance and Administration**			
1	Ejang Margaret Lucy	Director Finance and Administration	1	-
2	Turigye Christopher	Senior Accountant - Project	-	1
3	Muhwezi Robert	Senior Accountant G.O.U	-	1
4	Kakeeto Dennis	Accountant G.O.U	-	1
5	Wamala Tadeo	Assistant Accountant – Projects	-	1
6	Kalibagwa Scolarh Kaahwa	Assistant Accountant G.O.U	1	-
7	Atukunda Phionah	Assistant Accountant - Projects	1	
8	Ndebwoha Joseph	Stores Assistant	-	1
9	Kamya Samuel Kitanda	Office Assistant	-	1
10	Bwire Moses	Transport Officer		1
11	Onyait Maxwell	Transport Assistant	-	1
12	Emong Ben	Diver	-	1
13	Okema Bob Wilfred	Driver		1
14	Echabu Lawrence	Driver		1
15	Okii Opio Dennis	Driver		1
16	Mugira Caleb Kiiza	Gate Attendant	-	1
17	Aaron Birimbo	Human Resource Manager	-	1
18	Joan Kaampe - Wasswa	Human Resource Officer	1	-
19	Nantale Kakeeto Loiyrose	Records Officer	1	-
20	Nantumbwe Jane Claire	Assistant Records Officer	1	-
21	Alice Tugumisirize	Assistant Human Resource Officer	1	-
22	Omitta Sulaiman	Systems Manager	-	1
23	Logose Winifred	Systems Officer	1	-
24	Nazziwa Jennifer	Website Maintenance Officer	1	

SN	Directorate of Research, Education & Documentation			
1	Nakiganda Ida	Ag. Director R.E.D	1	-
2	Rubaire Margaret	Senior HRO/ Senior Librarian	1	-
3	Alexandria Kirunda	Human Rights Officer	1	-
4	Namaja Matilda	Human Rights Officer	1	
5	Nalubega Walugembe Maureen	Human Rights Officer	1	
6	Naigaga Rachael	Human Rights Officer/ Librarian	1	-
7	Senfuka Richard	Office Assistant	-	1
8	Kamyuka Ali Hassan	Driver	-	1
SN	**Directorate of Monitoring and Inspections**			
1	Patricia Nduru	Director M& I	1	-
2	Paula Biraaro	Senior Human Rights Officer	1	-
3	Priscilla Nyarugoye	Senior Human Rights Officer	1	-
4	Freda Nalumansi-Mugambe	Human Rights Officer	1	-
5	Rutabingwa Diana	Human Rights Officer	1	
6	Namulondo Sharlon	Office Assistant	1	
7	Peter Nyakana	Driver	-	1
SN	**Directorate Of Complaints Investigations**			
1	Ruth Ssekindi Nalugo	Director, Complaints, Investigations and Legal Services	1	-
2	Kiiza Moreen	Acting Senior Human Rights Officer / Registrar	1	-
3	Rebecca Agnes Tino	Senior Human Rights Officer	1	-
4	Namaganda Dorah Bukenya	Human Rights Officer Investigations	1	-
5	Nakiwate Aisha	Human Rights Officer – Legal	1	-
6	Sam Serunjogi	Driver	-	1
7	Resty Agweng	Office Assistant	1	-
SN	**Directorate of Regional Services**			
1	Kamadi Byonabye	Directorate Regional Services	-	1
2	Androa Anthony	Senior Human Rights Officer		1
3	Enangu Betty	Human Rights Officer	1	-
4	Nakhooli Hassan	Driver	-	1
5	Robert Mugenyi	Office Assistant	-	1
SN	**Gulu Regional Office**			
1	Rose Atim	Regional Human Rights Officer	1	-
2	Apio Afra Audrey	Human Rights Officer – Legal	1	
3	Abalo Opoka Fiona	Human Rights Officer – Education	1	-
4	Akello Josephine	Human Rights Officer – Investigations	1	-
5	Christine Oroma - Gakumba	Assistant Accountant	1	-
6	Akello Anna Grace	Assistant Administrator	1	-
7	Ojut Dick Henry	Office Assistant	-	1
8	Kitente Shaban	Driver	-	1
9	Musoba Cyrus	Driver		1
10	Kabuye Patrick	Driver	-	1

SN	Central Regional Office			
1	Wilfred Asiimwe Muganga	Regional Human Rights Officer	-	1
2	Dorothy Okwong	Human Rights Officer – Legal	1	-
3	Nassiwa Esther Jjuuko	Human Rights Officer – Legal	1	-
4	Kerios Mwetsiga	Human Rights Officer – Investigation	1	-
5	Rebecca Nanyonjo	Human Rights Officer – Education	1	-
6	Mukuve Jimmy Rogers	Assistant Accountant	-	1
7	Komugisha Kellen	Assistant Administrator	1	-
8	Oliver Namukwaya	Office Assistant	1	-
9	Benson Omoding	Driver	-	1
10	Cwinyaai Damasco	Driver	-	1
11	Geoffrey Katangula	Process server	-	1
SN	**Soroti Regional Office**			
1	Rebecca Nassuna	Regional Human Rights Officer	1	-
2	Chelimo Chebet Florida	Human Rights Officer – Legal	1	-
3	Ademu Robert	Human Rights Officer – Investigations		1
4	David Obutai	Human Rights Officer – Education	-	1
5	Katende Bob Sam	Assistant Accountant	-	1
6	Akajo Harriet	Assistant Administrator	1	-
7	Ariku Peter	Office Assistant	-	1
8	Etengu Martin	Driver	-	1
SN	**Moroto Regional Office**			
1	Otim Paul	Regional Human Rights Officer	-	1
2	Angella Esther	Human Rights Officer – Legal	1	-
3	Ogwang Odyek Christopher	Human Rights Officer – Investigations	-	1
4	Piramoe Paul	Human Rights Officer – Education	-	1
5	Etyang Richard	Assistant Accountant	-	1
6	Anyebo Jane Ebotu	Assistant Administrator	1	-
7	Tino Irene Ritah	Office Assistant	1	-
8	Loyok Phillips Herds	Driver	-	1
SN	**Mbarara Regional Office**			
1	Twembi Theopista	Regional Human Rights Officer	1	-
2	Rukundo Sarah	Human Rights Officer – Legal	1	-
3	Gumoshabe Caroline	Human Rights Officer – Education	1	-
4	Christine Aineomugisha	Human Rights Officer – Investigations	1	-
5	Alex Nuwagaba	Assistant Accountant	-	1
6	Mouda Kambeera	Assistant Administrator	1	-
7	Joan Komugisha	Office Assistant	1	-
8	Deus Katiiti	Driver	-	1
SN	**Fort Portal Regional Office**			
1	Farouk Nyende	Regional Human Rights Officer	-	1
2	Dorcus Musiimenta	Human Rights Officer – Legal	1	-
3	Achayo Teddy	Human Rights Officer – Investigations	1	

4	Bagota Hope	Human Rights Officer – Education	1	-
5	Wilberforce Otebwa	Assistant Accountant	-	1
6	Grace Basemera	Assistant Administrator	1	-
7	Madina Hussein	Office Assistant	1	-
8	Stephen Wanyina	Driver	-	1
SN	**Jinja Regional Office**			
1	Sarah Nakhumitsa	Regional Human Rights Officer	1	-
2	Ambrose Okello Otwao	Human Rights Officer – Investigations	-	1
3	Brenda Nansikombi	Human Rights Officer – Education	1	-
4	Catherine Koluo Eyalu	Human Right Officer - Legal	1	-
5	Kennedy Onyango	Assistant Accountant	-	1
6	Juliet Ndagire	Assistant Administrator	1	-
7	Patrick Lwaze	Office Assistant	-	1
8	Emmanuel Kabunga Ssendi	Driver	-	1
SN	**Arua Regional Office**			
1	Logose Juliet	Ag. Regional Human Rights Officer	1	
2	Bosco Okurut	Human Rights Officer – Legal	-	1
3	Geoffrey Ogwang	Human Right Officer - Investigations	-	1
4	Peace Ayikoru Anguyo	Human Rights Officer – Education	1	-
5	Patrick Toko Aniku	Assistant Accountant	-	1
6	Akania Caroline	Assistant Administrator	1	-
7	Donald Jaloka	Office Assistant	-	1
8	Ojok Morris	Driver	-	1
SN	**Masaka Regional Office**			
1	Willy Agirembabazi	Regional Human Rights Officer	-	1
2	Phiona Kemigisha Birungi	Human Rights Officer – Legal	1	
3	Tom Kibukutu Kitaka	Human Rights Officer – Investigations	-	1
4	Chrispus Kateeba	Human Rights Officer – Education	-	1
5	George Emmanuel Pere	Assistant Accountant	-	1
6	Ruthie Kintu Naggirinya	Assistant Administrator	1	-
7	Samuel Nyende	Office Assistant	-	1
8	Augustine Ntaganda	Driver	-	1
SN	**Hoima Regional Office**			
1	Harriet Rwakabbira Kajobe	Ag. Regional Human Rights Officer	1	-
2	Jashmin Nambi Kasuja	Human Rights Officer – Legal	1	-
3	Sandra Aloyo	Human Rights Officer – Investigations	1	-
4	Judith Komugisha Caroline	Human Rights Officer – Education	1	-
5	Tom Bakole	Assistant Accountant	-	1
6	Margaret Nantume	Assistant Administrator	1	-
7	Albert Murusura	Office Assistant		1
8	Mugarra John Kalyegira	Driver	-	1
	Total		**89**	**84**

Annex 7: UHRC Volunteer staff list as at 31st December 2014

S/N	NAME	LOCATION	DESIGNATION	GENDER	
				FEMALE	MALE
1	Aketch Sophie Dorothy	Finance and Administration	Volunteer	1	
2	Onziko Jimmy	Human Resource Unit	Volunteer		1
3	Nakintu Proscovia	Systems Unit	Volunteer	1	
4	Ann Agumenaitwe	Internal Audit Unit	Volunteer	1	-
5	Daisy Kurukuru	Planning Unit	Volunteer	1	-
6	Oyungrowth Noel	Planning Unit	Volunteer		1
7	Osujo Emmanuel Francis	Planning Unit	Volunteer		1
8	Sheillah Kobusingye	Procurement and Disposal Unit	Volunteer	1	
9	Lydia Wanyana	Procurement and Disposal Unit	Volunteer	1	-
10	Sarah BirungiKashagire	Directorate of M&I	Volunteer M&I	1	-
11	Dianah Akampereza	Directorate of M&I	Volunteer M&I	1	-
12	Kasule Ismail	Directorate of CILS	Volunteer – Tribunal clerk	-	1
13	Marylin Nakato	Directorate of CILS	Volunteer -Legal	1	-
14	Mea Francis Allan	Gulu Regional Office	Volunteer-Investigations	-	1
15	Khauka James	Gulu Regional Office	Volunteer-Legal		1
16	Sally Amony Okumu	Kitgum Field office	Volunteer	1	-
17	Charles Balmoi Opio	Kitgum Field office	Volunteer	-	1
18	Fred Okot	Pader Field Office	Volunteer	-	1
19	Yusuf Amina	Pader Field Office	Volunteer	1	-
20	AmmyPacutho	Lira Field Office	Volunteer	1	-
21	Anthony Otim	Lira Field Office	Volunteer		1
22	Kirungi Gloria	Central Regional Office	Volunteer-Investigations	1	-
23	Ronald Kiweewa	Central Regional Office	Volunteer-Investigations	-	1
24	Olivia B. Nanseko	Central Regional Office	Volunteer-Legal	1	-
25	Cyprian Byamugisha	Central Regional Office	Volunteer-Process Serving	-	1
26	Shamim Rukiya Nalule	Jinja Regional Office	Volunteer-Legal	1	
27	Nababi Bennah	Jinja Regional Office	Volunteer Investigations	1	
28	Peter Angoli	Soroti Regional Office	Volunteer-Legal	-	1
29	Okello Alfred	Soroti Regional Office	Volunteer Investigations		1
30	Okees Simon Peter	Soroti Regional Office	Data Entry Clerk		1
31	Roseline Amayo	Kaberamaido Field Office	Volunteer	1	-

S/N	NAME	LOCATION	DESIGNATION	GENDER	
				FEMALE	MALE
32	Esther Atim	Kaberamaido Field Office	Volunteer	1	-
33	Lydia Cherop	Kapchorwa Field office	Volunteer	1	-
34	Chemutai Raymond Mutai	Kapchorwa Field office	Volunteer	1	-
35	Francis Obura	Kotido Field Office	Volunteer	-	1
36	Okangas Gabriel	Kotido Field Office	Volunteer		1
37	Susan Amagoro	Nakapiripirit Field Office	Volunteer	1	-
38	Jean Jansen Beruchen	Nakapiripirit Field Office	Volunteer	-	1
39	Leticia Rindakakye	Mbarara Regional Office	Volunteer-Investigations	1	-
40	Kurugyishuri Anthony	Mbarara Regional Office	Volunteer Legal		1
41	Nicholas M. Kazooba	Fort Portal Regional Office	Volunteer-Legal	-	1
42	Atwiine Shamila	Fort Portal Regional Office	Volunteer-Investigations	1	-
43	Kissa Daisy	Arua Regional office	Volunteer-Investigations	1	-
44	Mallen Obizu	Arua Regional office	Volunteer-Legal		1
44	Agnes Dawa	Moyo Field Office	Volunteer	1	-
45	Francis Drichilpepi	Moyo Field Office	Volunteer	-	1
46	Aramadhan Issiko	Masaka Regional Office	Volunteer-Investigations	-	1
47	Mwebaze Albert	Masaka Regional Office	Volunteer-Legal	-	1
48	Tuhumwire Rose	Kalangala Field Office	Volunteer	1	-
49	Tugature Christopher	Kalangala Field Office	Volunteer		1
50	Kayongo Kuruthum	Central Regional Office	Volunteer data – data entry clerk	-	1
51	Ajambo Josephine	Jinja Regional Office	Volunteer data – data entry clerk	1	-
52	Nyakayenga Else	Masaka Regional Office	Volunteer data – data entry clerk	1	-
53	Taban Edward Emmanuel	Gulu Regional Office	Volunteer data – data entry clerk	-	1
54	Okess Simon Peter	Soroti Regional Office	Volunteer data – data entry clerk	-	1
55	Opiru Teddy	Arua Regional Office	Volunteer data – data entry clerk	1	-
57	Andebo Samuel	Fort Portal Regional Office	Volunteer data – data entry clerk	-	1
58	NassoloSamia	Central Regional Office	Volunteer data – data entry clerk	1	-

S/N	NAME	LOCATION	DESIGNATION	GENDER	
				FEMALE	MALE
59	Kasujja Grace	Central Regional Office	Volunteer data – data entry clerk	1	-
60	Ainyo Sylivia	Moroto Regional Office	Volunteer data – data entry clerk	1	-
	Total			**31**	**29**

Annex 8: International, Regional and National engagements

DATE	PLACE	PURPOSE
30 to 31st Jan. 2013	Geneva, Switzerland.	An Experts' meeting on Reprisals after detention monitoring visits. The meeting was organised by the Association on Prevention of Torture.
12th to 14th March 2013	Geneva, Switzerland.	27th Annual Meeting of the International Coordinating Committee of African National Human Rights Institutions. This meeting was organised by the Network of African National Human Rights Institutions
17th to 21st March 2013	Lund, Sweden	Phase II Experts Accreditation Programme organised by the Network of African National Human Rights Institutions together with the Raoul Wallenberg Institute. The programme targeted ten staff members from NHRIs in Kenya, Uganda, South Africa and Tanzania who have substantial knowledge in human rights theory and practice, in particular relating to Torture, Peace and Security, Gender and Human Rights, the Rights of Persons with Disabilities and Business and Human Rights.
7th to 11th April 2014	Johannesburg, South Africa	21st ESAAG Annual Conference under the theme 'Public Financial Management from Planning to Implementation'.
5th to 9th May 2014	Geneva, Switzerland	Training course for National Human Rights Institutions on International Human Rights Mechanisms.
12th to 16th May 2014	Johannesburg, South Africa	Phase III of Experts Accreditation Programme organised by the Network of African National Human Rights Institutions together with the Raoul Wallenberg Institute which focused on training and capacity development techniques in relation to certain key thematic human rights areas priority to African National Human Rights Institutions.
1st to 30th May 2014	Washington DC	Training on NVivo 10 qualitative data analysis software package. This training equipped staff with knowledge on the comprehensive use of NVivo software package to carry out research, qualitative and quantitative data analysis as well as reporting and presenting findings.

DATE	PLACE	PURPOSE
7th to 28th June 2014	Cape Town, South Africa	An Annual Transitional Justice in Africa fellowship programme organised by the Institute for Justice and Reconciliation of Cape Town South Africa and the Hague institute for Global Justice. Issues surrounding Transitional Justice were discussed in this programme.
14th to 29th July 2014	Kigali, Rwanda.	The 16th Extra Ordinary Session on the African Commission on Human and People's Rights.
28th Aug to 23rd Sept. 2014	Shenzhen, China	A training course on Smart Government for African English Speaking Countries.
6th to 7th Oct. 2014	Nairobi, Kenya	A two days' workshop on "Building a secure environment for responsible investment in Kenya's extractives sector. The workshop organised by the institute for Human Rights and Business and the British High Commission.
1st to 3rd of Sept. 2014	Johannesburg, South Africa	A Regional Seminar held to discuss the Prevention and Eradication of Torture.The seminar was organized by Article 5 Initiative in partnership with the University of Cape Town, University of the Western Cape, Human Rights Implementation Center of the University of Bristol and the African Policing Civilian Oversight Forum.
8th to 9th Sept. 2114	Nairobi , Kenya	A two days' Round Table Experts Meeting on the mainstreaming of Economic Social and Cultural Rights in Extractive Industries in Eastern Africa. The meeting gathered stakeholders from Kenya, Uganda, Tanzania, Rwanda and Southern Sudan.
29th to 30th Sept. 2014	Rabat, Morocco	A continental parliamentary seminar, an opportunity to share UHRC experience in the protection and promotion of human rights.
10th to 11th Nov. 2014	Johannesburg, South Africa	A high level meeting on improving HIV service provision in prison settings. The high level meeting was organised by the United Nations Office on Drugs and Crime.
10th to 14th Nov. 2014	Dar es Salaam, Tanzania	A blended learning course organised by the Network of African National Human Rights Institutions (NANHRI) together with the Raul Wallenberg Institute (RWI).
13th Nov. 2014	Nairobi, Kenya	A one day meeting which focused on promoting International Justice Complementarily through National and regional Human Rights bodies.
13th to 15th Nov. 2014	Johannesburg, South Africa.	Regional experts meeting on HIV and Human Rights beyond the 2015 development agenda.
14th to 15th Nov. 2014	Kigali, Rwanda	East African Law Society 19th Annual Conference and General Meeting. The conference was organised under the theme: Advancing the Legal Profession in East Africa: Trends and Patterns.

DATE	PLACE	PURPOSE
17th to 18th Nov. 2014	Yaoundé Cameroon	Training Public Officials on prevention of torture. The workshop took was hosted by the National Commission on Human Rights and Freedoms.
26th to 28th Nov 2013	Johannesburg, South Africa	Regional Gender and Peace building Workshop for key decision makers in peace and security institutions. Objectives were to consolidate participants' skills in gender analysis and gender sensitive peace building.

Annex 9: Table indicating the Fishing villages that were monitored by the UHRC in 2014

SN	DISTRICT	NAME OF LANDING SITE/ FISHING VILLAGE THAT WAS MONITORED
1.	**Kamuli**	▪ Kalama landing site ▪ Malugulai landing site ▪ Bugondha landing site
2.	**Buyende**	▪ Kyankole landing site ▪ Iremera landing site ▪ Kakooge landing site ▪ Chikara landing site ▪ Lyingo Landing Site ▪ Bukungu Landing Site ▪ Bumogoli Landing Site
3.	**Busia**	▪ Majanji Landing Site ▪ Maduwa Landing site ▪ Busime Landing Site ▪ Nalyoba Landing Site
4.	**Kaliro**	▪ Nawanpity landing site ▪ Bulusumba landing site ▪ Nawaikoke landing site ▪ Nangala landing site ▪ Panyolo landing site
5.	**Jinja**	▪ Wairaka Landing Site ▪ Wanyange Landing Site ▪ Rippon Landing site.
6.	**Namayingo**	▪ Busiro landing site ▪ Lugala landing site ▪ Maruba landing site ▪ Lubango Landing Site ▪ Bumeru B Landing Site ▪ Bumeru A Landing Site ▪ Lugaga Landing Site
7.	**Bugiri**	▪ Waka waka ▪ Namatu ▪ Lwenge

SN	DISTRICT	NAME OF LANDING SITE/ FISHING VILLAGE THAT WAS MONITORED
8.	**Mayuge**	• Bwondha Landing Site • Bukoba landing site • Bugoto Landing Site • Lwanika Landing Site • Nakalanga Landing site. • Nduwa landing site • Bubinge landing site • Musubi landing site
9.	**Kalangala**	• Mweena Landing Site • Mulabana Landing site • Nakatiba Landing site • Budda Mabigo landing site • Lutoboka Landing Site • Kasenyi landing site • Kasekulo landing site • Tubi landing site • Senero landing site • Mutambala Landing Site • Kagonya Island • Kyeselwa Landing site • Nkose Island • Bulungi Landing Site • Katooke Landing Site • Kiwunika Landing site • Mazinga Island • Buyinja Landing site • Gunga landing site • Nakibanga Landing site • Damba Landing site • Makaka Landing site • Ntuwa Landing site • Banda landing Site • Boosa landing site • Misonzi Landing Site • Kagoonya Luramba Landing Site • Kaya Island • Bukasa Island • Bubeke Island • Jana Island • Lwazi Landing Site • Kitobo Island • Kachanga Island
10.	**Rakai**	• Kansensero Landing site
11.	**Masaka**	• Kachanga Landing site • Namirembe Landing site • Lambu Landing Site, • Bukakata Landing Site
12.	**Kalungu**	• Kamuhunga landing site

SN	DISTRICT	NAME OF LANDING SITE/ FISHING VILLAGE THAT WAS MONITORED
13.	**Kampala**	• Luzira landing site • Ggaba Landing Site • Mulungu landing site
14.	**Kayunga**	• Kawongo/Galilaya • Busaana landing site • Kangulumira landing site
15.	**Nakasongola**	• Kibuye Landing Site • Zengebe Landing site • Lwampanga Landing Site • Moone Landing site
16.	**Wakiso**	• Busabala landing site
17.	**Mpigi**	• Gollo Landing site • Katebo Landing Site • Makungu landing site • Bukiina landing site • Senyondo landing site
18.	**Buikwe**	• Kiyindi Landing site • Koome Island • Ssenyi landing site
19.	**Buvuma**	• Lufu landing site • Lukoma landing site • Kirongo landing site • Busamuzi landing site • Bubaale landing site • Kikongo landing site • Lubya Island • Kilewe Island • Lufu Island • Lukoma landing site • Kyanamu landing site • Kibibi Island • Namatale Island
20.	**Kaberamaido**	• Akampala landing site
21.	**Amolatar**	• Kampala landing site • Lenku landing site • Bangladesh landing site • Namasale landing site • Naluboyo landing site • Bima landing site • Ayago landing site • Oribcan landing sites
22.	**Kasese**	• Kahendero landing site • Hamukunyu landing site • Kasenyi landing site • Katunguru landing site • Katwe landing site • Kayanja landing site
23.	**Mukono**	

SN	DISTRICT	NAME OF LANDING SITE/ FISHING VILLAGE THAT WAS MONITORED
24.	**Kalungu**	
25.	**Busia**	

Annex 10: List of Health Facilities inspected by UHRC per region in 2014

NO.	HEALTH FACILITY	DISTRICT
	Arua Regional Office	
1.	Nebbi Hospital	Nebbi
2.	Zumbo HC III	Nebbi
3.	Akworo HC III	Nebbi
4.	Zeu HC III	Zombo
5.	Alangi HC III	Nebbi
6.	Panyigor HC III	Nebbi
7.	Parombo HC III	Nebbi
8.	Paidha HC III	Zombo
9.	Openjinji HC III	Adjumani
10.	Nyumanzi HC II	Adjumani
11.	Adjumani Mission HC II	Adjumani
12.	Oriajini Hospital	Nebbi
13.	Wandi HC III	Arua
14.	Pajulu HC III	Arua
15.	Yumbe Hospital	Yumbe
16.	Orivu HC III	Arua
17.	Kango HC III	Zombo
18.	Warr HC III	Nebbi
19.	Aroi HC III	Arua
20.	Pajulu HC III	Arua
21.	Ombidriondrea HC III	Arua
22.	Ediofe HC III	Arua
23.	Arua CPS HC III	Arua
24.	Arua Prison HC III	Arua
25.	Ogua health centre HC II	Arua
26.	Jupangira HC II	Nebbi
27.	Atyenda HC II	Zombo
28.	Oreku HC II	Arua
29.	Arua military HC II	Arua
30.	Etia HC II	Arua
31.	Bondo HC III	Yumbe
32.	Okollo HC III	Arua
33.	Ajia Health HC III	Arua
34.	Uleppi HC III	Moyo
35.	Adumi HC IV	Arua
36.	Riiki HC III	Arua
37.	Arua Regional Referral Hospital	Arua
38.	Yumbe Hospital	Yumbe

NO.	HEALTH FACILITY	DISTRICT
39.	Midigo Health Centre HC IV	Yumbe
40.	Ariwa HC IIII	Yumbe
41.	Kulikulinga HC III	Moyo
42.	Moyo Hospital	Moyo
43.	Metu Health Centre HC III	Moyo
44.	Moyo Mission HC III	Moyo
45.	Erepi HC II	Moyo
46.	Palorinya HC III	Adjumani
47.	Eria HC III	Moyo
48.	Ori HC II	Moyo
49.	Lefori HC III	Moyo
Central Regional Office		
1.	Nkozi Hospital	Mpigi
2.	Mpigi HC IV	Mpigi
3.	Ggoli HC III	Mpigi
4.	Butoolo HC III	Mpigi
5.	Kampiringisa HC III	Mpigi
6.	St. Anthony HC III	Mpigi
7.	Buwama HC III	Mpigi
8.	Gombe Hospital	Butambala
9.	Kitimba HC III	Butambala
10.	Kabasanda HC II	Butambala
11.	Maddu HC IV	Gomba
12.	Mpenja HC III	Gomba
13.	Kyaayi HC III	Gomba
14.	Kanoni HC III	Gomba
15.	Bukalagi HC III	Gomba
16.	Bukomero HC IV	Kiboga
17.	Budimbo HC II	Kiboga
18.	Kiboga Hospital	Kiboga
19.	Kambugu HC III	Kiboga
20.	Lwamata HC III	Kiboga
21.	Mubende Regional Referral Hospital	Mubende
22.	Church of Uganda Makonzi HC II	Mubende
23.	Kasanda HC IV	Mubende
24.	Kaweri HC II	Mubende
25.	Kiyuni HC III	Mubende
26.	Kikagondo HC II	Mubende
27.	Lwemikomago HC II	Mubende
28.	Kansera HC II	Mubende
29.	Kalonga HC III	Mubende
30.	Kabamba HC III	Mubende
31.	Kasambya HC III	Mubende
32.	Kiganda HC IV	Mubende
33.	Mityana General Hospital	Mityana
34.	Malangala HC III	Mityana

NO.	HEALTH FACILITY	DISTRICT
35.	Mwera HC IV	Mityana
36.	Bekiina HC II	Mityana
37.	Kitongo HC III	Mityana
38.	Cardinal Nsubuga Memorial HC III	Mityana
39.	Maanyi HC III	Mityana
40.	Banda HC II	Mityana
41.	Namigavu HC II	Mityana
42.	St. Luke's HC III	Mityana
43.	Magala HC II	Mityana
44.	Our Lady of the Sick Kambala HC III	Mityana
45.	St. Francis hospital Naggalama	Mukono
46.	Mukono HC IV	Mukono
47.	Kyampisi HC III	Mukono
48.	Mpoma HC II	Mukono
49.	Nakifuma HC III	Mukono
50.	Jehova Rafa HC III	Mukono
51.	Kasawo HC III	Mukono
52.	Katoogo HC III	Mukono
53.	Goma HC III	Mukono
55.	Kawolo hospital	Buikwe
56.	St. Francis hospital Nyenga	Buikwe
57.	Buikwe HC III	Buikwe
58.	Najjembe HC III	Buikwe
59.	Ggavu Community HC II	Buikwe
60.	Kabizzi Community HC II	Buikwe
61.	Kizigo HC II	Buikwe
62.	Nakasongola HC IV	Nakasongola
63.	Franciscan HC IV	Nakasongola
64.	Nabiswera HC IV	Nakasongola
65.	Kakooge HC III	Nakasongola
66	St. Francis Migeera HC III	Nakasongola
67.	Nakitooma HC III	Nakasongola
68.	Nakayonza HC III	Nakasongola
69.	Nakasongola Government Prison HC III	Nakasongola
70.	Lwabyata HC II	Nakasongola
71.	Kiralamba HC II	Nakasongola
72.	Butabika Hospital	Kampala
	Fort Portal Regional Office	
1.	Bwera Hospital, Kasese District	Kasese
2.	Kagando Hospital (PNFP – COU), Kasese District	Kasese
3.	Kilembe Mines Hospital (Joint Venture), Kasese District	Kasese
4.	Rwesande Health Centre IV (PNFP – COU)	Kasese
5.	Kitswamba Health Centre III	Kasese
6.	Kabatunda Health Centre III	Kasese
7.	Hima Health Centre III	
8.	Kasanga Primary Health Care III (PNFP – Catholic Church)	Kasese

NO.	HEALTH FACILITY	DISTRICT
9.	Mukathi Health Centre III	Kasese
10.	Karambi Health Centre III	Kasese
11.	Nyabirongo Health Centre III	Kasese
12.	Katwe Health Centre III	Kasese
13.	Katunguru Health Centre III	Kasese
14.	Maliba Health Centre III	Kasese
15.	Muhokya Health Centre III	Kasese
16.	Rukoki Health Centre III	Kasese
17.	Kinyabwamba Health Centre III (Community Owned)	Kasese
18.	Ibuga Refugees Health Centre II	Kasese
19.	Kihyo Health Centre II	Kasese
20.	Kasenyi Health Centre II	Kasese
21.	Kilembe Health Centre II	Kasese
22.	Mubuku (Kisojo) Health Centre II	Kasese
23.	Buhinga Referral Hospital	Kasese
24.	Kibiito HC IV	Kasese
25.	Karugutu Health Centre IV	Ntoroko
26.	Ntoroko Health Centre III	Ntoroko
27.	Rwebisengo Health Centre III	Ntoroko
28.	Musandama Health Centre II	Ntoroko
29.	Bweramule Health Centre II	Ntoroko
30.	Rwangara Health Centre II	Ntoroko
31.	Stella Maris Health Centre III (PNFP)	Ntoroko
32.	Kyegegwa HC IV	Kyegegwa
33.	Hapuyo HC III	Kyegegwa
34.	Kasule HC III	Kyegegwa
35.	Mpara HC III	Kyegegwa
36.	Bujubuli HC III	Kyegegwa
37.	Kakabara HC III	Kyegegwa
38.	Kazinga HC III	Kyegegwa
39.	Karwenyi HC II	Kyegegwa
40.	Bugogo HC II	Kyegegwa
41.	Mukondo HC II	Kyegegwa
42.	Kishagazi HC II	Kyegegwa
43.	Migamba HC II	Kyegegwa
44.	Ruhangire HC II	Kyegegwa
45.	Kigambo HC II	Kyegegwa
46.	St. Thereza Wekomire (PNFP – Catholic Church) HC III	Kyegegwa
47.	Rukunyu HC IV	Kamwenge
48.	Ntara HC IV	Kamwenge
49.	Mahyoro HC III	Kamwenge
50.	Kamwenge HC III	Kamwenge
51.	Nyabani HC III	Kamwenge
52.	Kicece HC III	Kamwenge
53.	Bigodi HC III	Kamwenge
54.	Bwizi HC III	Kamwenge

NO.	HEALTH FACILITY	DISTRICT
55.	Biguli HC III	Kamwenge
56.	Rwamwanja HC III	Kamwenge
57.	Bunoga HC III	Kamwenge
58.	Kakasi HC III (PNFP)	Kamwenge
59.	Rwenjaza HC II	Kamwenge
60.	Buhanda HC II	Kamwenge
61.	Kamulikidongo HC II	Kamwenge
62.	Ntonwa HC II	Kamwenge
63.	Kabambiro HC II	Kamwenge
64.	Kiyagara HC II	Kamwenge
65.	Busiriba HC II	Kamwenge
66.	Kyakarafa HC II	Kamwenge
67.	Kiziba HC II	Kamwenge
68.	Nkongoro HC II	Kamwenge
69.	Kabambiro HC II	Kamwenge
70.	Kanara HC II	Kamwenge
	Masaka Regional Office	
1.	Rakai Hospital	Rakai
2.	Kalisizo Hospital	Rakai
3.	Kakuto HC IV	Rakai
4.	Kiwangala HC IV	Lwengo
5.	Kalungu HC III	Kalungu
6.	Kasasa HC III	Rakai
7.	Lwanda HC III	Rakai
8.	Buyamba HC III	Rakai
9.	Kyamulibwa HC III	Masaka
10.	Nabutongwa HC III	Kalungu
11.	Mugoye HC III	Kalangala
12.	Kasekulo	Kalangala
13.	Kalangala HC IV	Kalangala
14.	Mazinga HC III	Kalangala
15.	Bukulula HC IV	Kalangala
16.	Bwendero HC III	Kalangala
17.	Bubeke HC III	Kalangala
18.	Bukasa HC IV	Kalangala
19.	Mulabana HC II	Kalangala
20.	Bugoma HC II	Kalangala
21.	Jaana HC II	Kalangala
22.	Kachanga HC II	Kalangala
23.	Mubende Regional Referral Hospital	Mubende
24.	Kasanda HC IV	Mubende
26.	Kiganda HC IV	Mubende
27.	Kiyuni HC III	Mubende
28.	Kalonga HC III	Mubende
29.	Kabamba HC III	Mubende
30.	Kasambya HC III	Mubende

NO.	HEALTH FACILITY	DISTRICT
31.	Church of Uganda Makonzi HC II	Mubende
32.	Kaweri HC II	Mubende
33.	Kikagondo HC II	Mubende
34.	Lwemikomago HC II	Mubende
35.	Kansera HC II	Mubende
	Jinja Regional Office	
1.	Kiyunga HC IV	Luuka
2.	Irongo HC III	Luuka
3.	Bukanga HC III	Luuka
4.	Bukendi HC II	Luuka
5.	Bumanya HC IV	Kaliro
6.	Namwiwa HC III	Kaliro
7.	Namugongo HC III	Kaliro
8.	Kaliro HC II	Kaliro
9.	Kigandalo HC IV	Mayuge
10.	Kityerera HC IV	Mayuge
11.	Mayuge HC III	Mayuge
12.	Wabulungu HC III	Mayuge
13.	Kyoga HC II	Mayuge
14.	Iganga Hospital	Iganga
15.	Busesa HC IV	Iganga
16.	Busembatia HC IV	Iganga
17.	Namungalwe HC III	Iganga
18.	Buyanga HC III	Iganga
19.	Busolwe HC II	Butaleja
20.	Butaleja Hospital	Butaleja
21.	Budumba HC III	Butaleja
22.	Busabi HC III	Butaleja
23.	Bubalya HC III	Butaleja
24.	Doho HC II	Butaleja
25.	Bunawale HC II	Butaleja
26.	Buyinja HC IV	Namayingo
27.	Banda HC III	Namayingo
28.	Bumoli HC III	Namayingo
29.	Mutumba HC III	Namayingo
30.	Mulombi HC III	Namayingo
31.	Bugayi HC II	Namayingo
32.	Lugala HC II	Namayingo
33.	Kifuyo HC II	Namayingo
34.	Kibuku HC IV	Kibuku
35.	Buseta HC III	Kibuku
36.	Kadama HC III	Kibuku
37.	Bulangira HC III	Kibuku
38.	Kasasira HC III	Kibuku
39.	Nalubembe HC II	Kibuku
40.	Kabweri HC II	Kibuku

NO.	HEALTH FACILITY	DISTRICT
41.	Dodoi HC II	Kibuku
42.	Budaka HC IV	Budaka
43.	Naboa HC III	Budaka
44	Kaderuna HC III	Budaka
45.	Iki iki HC III	Budaka
46.	Namusita HC II	Budaka
47.	Kebula HC II	Budaka
48.	Liyama HC II	Budaka
49.	Kidera HC IV	Buyende
50.	Nkondo HC III	Buyende
51.	Iringa HC II	Buyende
52.	Buyende HC III	Buyende
53.	Namutumba HC III	Namutumba
54.	Nabisoigi HC III	Namutumba
55.	Nsinze HC IV	Namutumba
56.	Kaititi	Namutumba
57.	Tororo hospital	Tororo
58.	Mukujju HC IV	Tororo
59.	Paya HC III	Tororo
60.	Kamuli HC II	Tororo
61.	Busia HC IV	Busia
62.	Masafu hospital	Busia
63.	Buteba HC III	Busia
64.	Buwumba HC II	Busia
	Moroto Regional Office	
1.	Amudat HC IV	Amudat
2.	Alakas HC II	Amudat
3.	Loroo HC II	Amudat
4.	Lokales HC II	Amudat
5.	Cheptapoyo HC II	Amudat
6.	Karita HC III	Amudat
7.	Matany Hospital	Napak
8.	Iriiri HC III	Napak
9.	Lorengecorwa HC III	Napak
10.	Lokopo HC III	Napak
11.	Lotome HC III	Napak
12.	Apeitolim HC II	Napak
13.	Lopeei HC II	Napak
14.	Nabwal HC II	Napak
15.	Morulinga HC II	Napak
16.	Nawoikorot HC II	Napak
17.	Kaabong hospital	Kaboong
18.	Kapedo HC III	Kaabong
19.	Kathile HC III	Kaabong
20.	Kalapata HC III	Kaabong
21.	Lokolia HC III	Kaabong

NO.	HEALTH FACILITY	DISTRICT
22.	Sidok HC II	Kaabong
23.	Lochom HC II	Kaabong
24.	St Jude Kapedo Catholic Mission HC II	Kaabong
25.	Narengepak HC II	Kaabong
26.	Lotim HC II	Kaabong
27.	Kamion HC II	Kaabong
28.	Lomodooch HC II	Kaabong
29.	Kaimese HC II	Kaabong
30.	Kanawat HC III	Kotido
31.	Rengen HC III	Kotido
32.	Church Of Uganda HC III	Kotido
33.	Losilang HC II	Kotido
34.	Police HC II	Kotido
35.	UPDF 405 Brigade HC III	Kotido
36.	Panyangara HC III	Kotido
37.	Napumpum HC II	Kotido
38.	Rikitae HC II	Kotido
39.	Nakapelmoru HC III	Kotido
40.	Lookorok HC II	Kotido
41.	Kotido HC IV	Kotido
42.	Kamor HC II	Kotido
43.	Lopuyo HC II	Kotido
44.	Lokitela - Anyebu HC III	Kotido
45.	Nakwakwa HC II	Kotido
46.	Losakucha HC II	Kotido
47.	Lokiding HC II	Kotido
48.	Kacheri HC III	Kotido
49.	Lorengedwat HC III	Nakapiripirit
50.	UPDF 407 Moruita Brigade HC III	Nakapiripirit
51.	Nabilatuk HC IV	Nakapiripirit
52.	Lemusui HC III	Nakapiripirit
53.	St. Mathias Amaler HC III	Nakapiripirit
54.	Tokora HC IV	Nakapiripirit
55.	Lolachat HC III	Nakapiripirit
56.	Nayonai Angikalio HC II	Nakapiripirit
57.	Akisyona Yesu HC II	Nakapiripirit
58.	Nakapiripirit HC III	Nakapiripirit
59.	Karinga HC II	Nakapiripirit
60.	Namalu HC II	Nakapiripirit
Gulu Regional Office		
1.	Ngai HC II	Oyam
2.	Iceme HC II	Oyam
3.	Akwangi HC II	Oyam
4.	Anyeke HC IV	Oyam
5.	Otwal HC III	Oyam
6.	Acokara HC II	Oyam

NO.	HEALTH FACILITY	DISTRICT
7.	Ariba HC II	Oyam
8.	Minakulu HC II	Gulu
9.	Kaladima HC III	Amuru
10.	Atiak HC IV	Amuru
11.	Bibia HC III	Amuru
12.	Alero HC III	Amuru
13.	Olwal HC III	Amuru
14.	Todora HC II	Nwoya
15.	Kochgoma HC III	Amuru
16.	Purongo HC III	Nwoya
17.	Apac Hospital	Apac
18.	Aduku HC IV	Apac
19.	Ibuje HC III	Apac
20.	Kungu HC II	Apac
21.	Inomo HC III	Apac
22.	Akokoro HC II	Apac
23.	Apoi HC III	Apac
24.	Cawente HC III	Apac
25.	Gulu Prison HC IV	Gulu
26.	Awach HC IV	Gulu
27.	Lugore HC II	Gulu
28.	Labworomor HC III	Gulu
29.	Bardege HC III	Gulu
30.	Laroo HC IIII	Gulu
31.	Ongako HC III	Gulu
32.	Lalogi HC IV	Gulu
33.	St Luke HC II	Gulu
34.	Bobi HC III	Gulu
35.	Palenga HC II	Gulu
36.	Palabek Gem HC III	Lamwo
37.	Palabek Kal HC III	Lamwo
38.	Palabek Ogili HC III	Lamwo
39.	Lokung HC III	Lamwo
40.	Ngomoromo HC III	Lamwo
41.	Patika HC III	Lamwo
42.	Paloga HC II	Lamwo
43.	Agoro HC III	Lamwo
44.	Madiopei HC IV	Lamwo
45.	Padibe HC IV	Lamwo
46.	Madikiloc HC II	Lamwo
47.	Acholibur HC III	Pader
48.	Porogali HC II	Pader
49.	Mary Immaculate HC II (PNFP)	Pader
50.	Rackoko HC III (PNFP)	Pader
51.	Angole HC II	Pader
52.	Puranga HC III	Pader

NO.	HEALTH FACILITY	DISTRICT
53.	Ogom HC III	Pader
54.	Pajule HC IV	Pader
55.	Paiula HC II	Pader
56.	Pakeyo HC II	Pader
57.	Obolokome HC II	Agago
58.	St. Janani HC II (PNFP)	Agago
59.	Wol HC II	Agago
60.	Toroma HC II	Agago
61.	Orina HC II	Agago
62.	Ligiligi HC II	Agago
63.	Alop HC II	Agago
64.	Lamiyo HC II	Agago
65.	Geregere HC II	Agago
66.	Acholpii HC III	Agago
67	Akalo Health Center III	Kole
68	Bala Health Center III	Kole
69	Ayara Health Center II	Kole
70	Aboke Health Center IV	Kole
71	Ayer Health Center II	Kole
72	Okole Health Center II	Kole
73	Alito Health Center III	Kole
Soroti Regional Office		
1.	Kapchorwa General Hospital	Kapchorwa
2.	Sipi HC III	Kapchorwa
3.	Kapserem HC III	Kapchorwa
4.	Chebonet HC III	Kapchorwa
5.	Tegeres HC III	Kapchorwa
6.	Kaproron HC III	Kween
7.	Binyiny HC III	Kween
8.	Chemwom HC III	Kween
9.	Ngenge HC III	Kween
10.	Chepsukunya HC III	Kween
11.	Kapchorwa Police HC II	Kapchorwa
12.	Atar HC II	Kapchorwa
13.	Soroti Referral Hospital	Soroti
14.	Serere HC IV	Serere
15.	Apapai HC IV	Serere
16.	Atiira Medical Centre III	Serere
17.	Kateta HC III	Serere
18.	Kyere HC III	Serere
19.	Kadungulu HC III	Serere
20.	Pingire HC III	Serere
21.	Bugondo HC III	Serere
22.	Kamusala HC II	Serere
23.	Atiira HC II	Serere
24.	Bugobero HC IV	Manafwa

NO.	HEALTH FACILITY	DISTRICT
25.	Magale HC IV	Manafwa
26.	Bubulo HC IV	Manafwa
27.	Butiru HC III	Manafwa
28.	Bududa Hospital	Bududa
29.	Bukigai HC III	Bududa
30.	Bulucheke HC III	Bududa
31.	Bukalasi HC III	Bududa
32.	Busiu HC IV	Mbale
33.	Mahonje HC III	Mbale
34.	Mbale Main Prison HC III	Mbale
35.	Mbale CPS HC III	Mbale
36.	Bugema HC II	Mbale
37.	Bukedea HC IV	Bukedea
38.	Kololir HC III	Bukedea
39.	Kachumbala HC III	Bukedea
40.	Malera HC III	Bukedea
41.	Kabalwa HC III	Bukedea
42.	Budadiri HC IV	Sironko
43.	Buwasa HC IV	Sironko
44.	Bamulisha HC III	Sironko
45.	Bulwala HC III	Sironko
46.	Buyondo HC II	Sironko
47.	Budenge HC II	Sironko
	Hoima Regional Office	
1.	Kiroko HC II	Kiryandongo
2.	Mpumwe HC II	Kiryandongo
3.	Apodorwa HC II	Kiryandongo
4.	Kitwara HC II	Kiryandongo
5.	Mutunda HC III	Kiryandongo
6.	Diima HC III	Kiryandongo
7.	Karuma HC II	Kiryandongo
8.	Butemba HC III	Kyankwanzi
9.	St Balikudembe HC III	Kyankwanzi
10.	Kyankwanzi HC III	Kyankwanzi
11.	Kikolimbo HC II	Kyankwanzi
12.	Ntwetwe HC IV	Kyankwanzi
13.	Sirimula HC II	Kyankwanzi
14.	Kiyuni HCIII	Kyankwanzi
15.	Banda HC II	Kyankwanzi
16.	Kyamasega Health Centre II	Kibaale
17.	Muhorro Health Centre II	Kibaale
18.	Kiryarugonja Health Centre III	Kibaale
19.	Mabale Health Centre III	Kibaale
20.	Bwikara Health Centre III	Kibaale
21.	Isunga Health Centre III	Kibaale
22.	Mugarama Health Centre III	Kibaale

NO.	HEALTH FACILITY	DISTRICT
23.	Kibaale Health Centre IV	Kibaale
24.	Kagadi Hospital	Kibaale
25.	Biizi Health Centre II	Masindi
26.	Kikungura Health Centre II	Masindi
27.	Ntooma Health Centre II	Masindi
28.	Kyamaiso Health Centre II	Masindi
29.	Nyamigisa Health Centre III	Masindi
30.	Kijunjubwa Health Centre III	Masindi
31.	Bwijanga Health Centre IV	Masindi
32.	Masindi Hospital	Masindi
Mbarara Regional Office		
1.	Itojo Hospital	Ntungamo
2.	Kitwe HC IV	Ntungamo
3.	Rubaare HC IV	Ntungamo
4.	Rwashamaire HC IV	Ntungamo
5.	Butare HC III	Ntungamo
6.	Ntungamo HC III	Ntungamo
7.	Kitondo HC III	Ntungamo
8.	Bwongyera HC III	Ntungamo
9.	Kayonza HC III	Ntungamo
10.	Rugarama HC III	Ntungamo
11.	Mparo HC IV	Kabale
12.	Muhanga C.O.U. Health Centre II	Kabale
13.	Muko HC IV	Kabale
14.	Hamurwa HC IV	Kabale
15.	Kyanamira HC III	Kabale
16.	Bukinda HC IV	Kabale
17.	Bubare HC III	Kabale
18.	Kabale Referral Hospital	Kabale
19.	Nsiika HC IV III	Buhweju
20.	Bihanga HC III	Buhweju
21.	Karungu HC III	Buhweju
22.	Burere HC II	Buhweju
23.	Bwoga HC II	Buhweju
24.	Bitsya HC II	Buhweju
25.	Mushasha HC II	Buhweju
26.	Engaju HC II	Buhweju
27	Kyeyare HC II	Buhweju
28	Kyabugimbi HCIV	Bushenyi
29.	Bushenyi HCIV	Bushenyi
30.	Kyeizooba HC III	Bushenyi
31.	Kakanju HC III	Bushenyi
32.	Nyabubare HC III	Bushenyi

NO.	HEALTH FACILITY	DISTRICT
33.	Ruharo HC III	Bushenyi
34.	Kyamuhunga HC III	Bushenyi
35.	Kabushaho HC III	Bushenyi
36.	Ryeishe HC III	Bushenyi
37.	Kashozi HC II	Bushenyi

Annex 11: Availability of wards in selected health facilities

NO.	HEALTH FACILITIES	WARDS
1.	Nkozi Hospital	3 wards general (male and female), children and maternity ward
2.	Bukalagi HC III	2 wards (general and maternity)
3.	Ggoli HC III	4 wards; male(7), female(10), children (8) and maternity (5)
4.	Kiyunga HC IV	2 wards
5.	Irongo HC III	No wards
6.	Bukanga HC I0II	3 wards
7.	Bukendi HC II	No wards
8.	Bumanya HC IV	2 wards
9.	Kigandalo HC IV	2 wards
10.	Kityerera HC IV	1 maternity ward
11.	Wabulungu HC III	1 maternity ward
12.	Kyoga HC II	No wards
13.	Iganga Hospital	4 wards
15.	Buyanga HC II	No wards
16.	Busabi HC III	No wards
17.	Bubalya HC III	No wards
18.	Buseta HC III	1 maternity ward
19.	Kadama HC III	1 maternity ward
20.	Buseta HC III	1 maternity ward
21.	Kaderuna HC III	1 maternity ward
22.	Iki iki HC III	2 wards
23.	Namusita HC II	2 wards
24.	Kebula HC II	No wards
25.	Rukunyu HC IV	1 general ward, 1 maternity ward and 1 paediatric ward
26.	Ntara HC IV	3 wards
27.	Mahyoro HC III	1 general ward and 1 maternity wing
28.	Kamwenge HC III	1 general ward, 1 maternity ward
29.	Bigodi HC III	1 general ward and 1 maternity ward
30.	Rwamwanja HC III	1 general ward with 3 wings
31.	Buguli HC III	1 general ward and 1 maternity ward
32.	Bwizi HC III	1 maternity ward
33.	Kicece HC III	1 general ward and 1 maternity ward
34.	Kyegegwa HC IV	1 general ward and 1 maternity ward
35.	Bujubuli HC III	1 general ward and 4 maternity wards
36.	Labworomor HC III	4 wards(female, male, children and maternity)

Annex 12: Catchment population in selected health facilities inspected by the UHRC

NO.	HEALTH FACILITIES	POPULATION CATCHMENT WITHIN 5KM
1.	Nebbi Hospital	51,900
2.	Zumbo HC III	11,400
3.	Akworo HC III	25,000
4.	Zeu HC III	20,000
5.	Alangi HC III	17,000
6.	Panyigor HC I	23,000
7.	Parombo HC III	30,000
8.	Paidha HC III	31,500
9.	Openjinji HC III	10,000
10.	Nyumanzi HC II	26,200
11.	Adjumani Mission HC III	11,470
12.	Oriajini Hospital	42,000
13.	Wandi HC III	20,000
14.	Pajulu HC III, Arua District	16,200
15.	Yumbe Hospital, Yumbe District	51,000
16.	Orivu HC III, Arua District	38,000
17.	Kapchorwa Police HC II	2,000
18.	Tegeres HC III	9,908
19.	Chebonet HC III	6,700
20.	Sipi HC III	6,300
21.	Kapserem HC III	5,000
22.	Kapchorwa General Hospital	40,185
24.	Binyiny HC III	5,000
25.	Rukunyu HC IV	17,900
26.	Ntara HC IV	1,783
27.	Nyabani HC III	35,500
28.	Mahyoro HC III	2,462
29.	Kamwenge HC III	13,511
30.	Bigodi HC III	12,000
31.	Kakabara HC III	49, 015
32.	Karugutu HC IV	26,483
33.	Gulu Prison HC IV	55,110
34.	Lugore HC II	50,000
35.	Labworomor HC III	20,000

Annex 13: Geographical Coverage by selected health centres inspected by UHRC

NO.	HEALTH FACILITY	GEOGRAPHICAL COVERAGE
1.	Gomba Hospital	Serves patients from Mpigi, Mityana, Gomba, Butambala and Sembabule Districts
2.	Mpigi HC IV	All counties of Mawokota North
3.	Kitimba HC III	Sub Counties of Kibibi, Buddu, Gombe, Ngando, Maddu, etc
4.	Mpenja HC III	Mpenja Sub County, Parishes of Kamomo, Tabarizi, Nkoma, Golola and Kiriri

NO.	HEALTH FACILITY	GEOGRAPHICAL COVERAGE
5.	Kyaayi HC III	Kyaayi parish, Lugusulu Sub County and Kigando Sub County
6.	Butoolo HC III	Buwondo, Musa Butoolo parishes, Kamengo Sub County, Mawokota North, Butambal, Kampiringisa
7.	Kampiringisa HC III	Kampiringisa parish, Mawokota North, Kamengo Sub County, Mwira parish
8.	Bukalagi HC III	Kyegonza Sub County, Kabulasoke, Buhandula, Kigo, Namyala and Kanoni parishes
9.	Matany Hospital	Matany Trading Center, Lokuwas parish, Matany Sub county, Bokora County, Napak district.
10.	Lorengecorwa HC III	Kopopuwa ward, Lolet parish, Lorengecorwa Town Council, Bokora County, Napak district
11.	St Jude Kapedo Catholic Mission HC II	Kololo village, Kapedo parish,Kapedo sub county, Dodoth West County, Kaabong distri
12.	Narengepak HC II	Nakore village, Narengepak Parish, Kathile sub county, Dodoth East County, Kaabong district.
13.	Nakapelmoru HC III	Nakapelmoru S/C, Watakau parish, Masula village, Kotido district.
14.	Lookorok HC II	Nakapelmoru S/C, Lookorok parish, Nyakwae village.
15	Kotido HC IV	Kotido town council, Kotido north , Lomukura village.

Annex 14: Examples of Essential health goods and services provided in selected health facilities Inspected by the UHRC in April 2014 in Kalangala District

NAME OF HEALTH FACILITY	KALANGALA HEALTH CENTRE IV, KALANGALA DISTRICT	MUGOYE HEALTH CENTRE III, KALANGALA DISTRICT	MAZINGA HEALTH CENTRE III, KALANGALA DISTRICT
List of Health services provided by the health centre	Antenatal, Admission, maternity, laboratory, ART, eye clinic, immunization, Dental, family planning.	Antenatal, admission, immunization, OPD, HIV testing and counselling.	Antenatal, laboratory services, immunization, ART clinic, family planning
Planned/ Bed Capacity	22 beds for male, 20 beds for female 8 beds for children 8 for maternity ward.	2 beds only.	9 patients.
Patients served per day(in patients/ Outpatients)	80 patients per day.	20 patients per day	30 patients per day
X Ray	Non operational due to lack of staff.	None	None
Availability of an operational theatre	operational for minor surgery.	None	none

NAME OF HEALTH FACILITY	KALANGALA HEALTH CENTRE IV, KALANGALA DISTRICT	MUGOYE HEALTH CENTRE III, KALANGALA DISTRICT	MAZINGA HEALTH CENTRE III, KALANGALA DISTRICT
Microscope/ fridge	Operational with immunization drugs in stock.	Available	Available
Store for drugs	Available	Available	Available though not sufficient
Clean and Healthy Environment	Clean	Relatively clean	
Safe and Clean water	Dependent on rain water and piped water	Dependent on rain water	Dependent on piped water
Presence of incinerator/ waste pit	There is an incinerator, placenta pit and another waste pit.	Waste is simply burnt.	Waste is burnt.
Mosquito nets in the wards	None, they are distributed to expectant mothers.	None	N/A
Availability of a laboratory	Available	Available	Available
Availability of sanitation facilities	Available	Available	Available
No. and category of wards available	Male, female and paediatrics	no ward	General ward
Availability of wards for patients with infectious diseases	None	None	None
Longest distance to health facility	48km	About 8 km away	6 km
Accessibility to the health facility by PWDs, PLHA and elderly	Accessible	Accessible	Accessible
Do patients pay for health services	No	No	No
No. of expectant mothers who deliver	40%.	30%	30%
Traditional beliefs that discourage people from accessing modern health facilities	The health centre is too far away.	The labour pains occur at night and the TBA's know better.	The health centre is far away
Doctors present vis a vis the health centre	1	None	none
Clinical officers	2	0	1
Enrolled Nurses	2	0	(there is one enrolled midwife)
Registered Nurses	Nil	2	nil
Essential drugs in stock	Available	Available	Available
Essential drugs out of stock	None	ARVs	None

NAME OF HEALTH FACILITY	KALANGALA HEALTH CENTRE IV, KALANGALA DISTRICT	MUGOYE HEALTH CENTRE III, KALANGALA DISTRICT	MAZINGA HEALTH CENTRE III, KALANGALA DISTRICT
Availability of ambulance services for emergencies	Double cabin pick up is used as the ambulance.	No ambulance	The health centre has a boat and engine, referrals are in writing.
Stock out of essential supplies	No	Yes	No
Availability of ARVs	Available	Currently not available	Available
Availability of state of staff accommodation	80% of staff are accommodated, the rest rent outside.	Only four members of staff are accommodated, the rest rent outside.	Only 4 are accommodated and they at times share.
Availability of water and electricity	Piped water, Rain water, electricity	Rain water, and solar	Solar
Availability of Delivery kits	Available	Available	Available
Staff welfare and remuneration issues	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.
Availability of working space	There is enough space	Working space is not enough.	Working space is limited.
Availability of computers/ internet/ telephone/official vehicle/motorcycle	One computer for the doctor, double cabin pick up.	One motorcycle	Not available.
Prevalent diseases reported at the health facility	Malaria , Respiratory Infections, HIV/AIDS	Malaria, Respiratory Infections, HIV/AIDS	Malaria, Respiratory Infections, HIV/AIDS
Availability of drugs for the prevalent diseases	Available	Available	Available
Any cases of expired drugs	None	None	Nevirapine syrup, b-tone tablets, lumatem
Latest month of receipt of drugs from National Medical Stores	April	April	April
No of Mothers who died in labour in the last six months	Not clear	None	Not certain but rarely
Distance of the health centre from the referral	98 km to Masaka Regional Hospital	35 km to Kalangala HC IV	130 Km to Bukasa HC IV

NAME OF HEALTH FACILITY	BUKULULA HEALTH CENTRE IV, KALUNGU DISTRICT	BWENDERO HEALTH CENTRE III, KALANGALA DISTRICT	BUBEKE HEALTH CENTRE III, KALANGALA DISTRICT
List of Health services provided by the health centre	Antenatal, Admission, maternity, laboratory, ART, minor surgery, immunization, Dental, family planning.	Antenatal, admission, immunization, OPD, HIV testing and counselling.	Antenatal, laboratory services, immunization, ART clinic, family planning
Planned/ Bed Capacity	9 beds for male, 9 beds for female 3 beds for children 5 for maternity ward.	Maternity 2 beds OPD 4 beds General ward 4 beds Labour suit one bed	9 patients.
Patients served per day(in patients/ Outpatients)	80 patients per day.	20 patients per day	30 patients per day
X Ray	None	None	None
Availability of an operational theatre	Operational for minor surgery.	None	None
Microscope/ fridge	Operational with immunization drugs in stock.	Available	Available
Store for drugs	Available	Available	Available though not sufficient
Safe and Clean water	Dependent on rain water stored in tank	Dependent on rain water	Dependent on piped water, water tank not utilised
Presence of incinerator/ waste pit	There is an incinerator, placenta pit and another waste pit.	Waste is simply burnt.	Waste is burnt.
Mosquito nets in the wards	None, they are distributed to expectant mothers.	None	N/A
Availability of a laboratory	Available	Available	Available
Availability of sanitation facilities	Available	Available	Available
No. and category of wards available	Male, female and paediatrics, maternity	4 wards	General ward
Availability of wards for patients with infectious diseases	None	None	None
Longest distance to health facility	18 km	8 km	20 km
Accessibility to the health facility by PWDs, PLHA and elderly	Accessible but wheel chairs have broken down	Accessible	Not properly accessible
Do patients pay for health services	No	No	No

NAME OF HEALTH FACILITY	BUKULULA HEALTH CENTRE IV, KALUNGU DISTRICT	BWENDERO HEALTH CENTRE III, KALANGALA DISTRICT	BUBEKE HEALTH CENTRE III, KALANGALA DISTRICT
No. of expectant mothers who deliver	40%.	20 monthly	30%
Traditional beliefs that discourage people from accessing modern health facilities	The health centre is too far away.	The labour pains occur at night and the TBA's know better.	The health centre is far away
Patient Bed ratio			
Doctors present vis a vis the health centre	1	none	none
Clinical officers	2	1	1
Enrolled Nurses	2	1	1
Registered Nurses	Nil	0	nil
Essential drugs in stock	Available	Available	Available
Essential drugs out of stock	Yes	No	None
Availability of ambulance services for emergencies	Double cabin pick up is used as the ambulance.	No ambulance, two motorcycles	Two broken down motorcycles.
Availability of supplies	No	No	No
Availability of ARVs	Available	available	Available
Availability of state of staff accommodation	Few staff are accommodated, the rest rent outside.	Only four members of staff are accommodated, the rest rent outside.	Only 4 are accommodated and they at times share.
Availability of water and electricity	Rain water, electricity, solar and generator for theatre	Rain water, and solar	Solar
Availability of Delivery kits	Available	available	Available
Staff welfare and remuneration issues	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.
Availability of working space	Space is not enough	Working space is not enough.	Working space is limited.
Availability of computers/ internet/ telephone/official vehicle/motorcycle	One computer for the doctor, double cabin pick up.	two motorcycles	Not available.
Prevalent diseases reported at the health facility	Malaria, Respiratory Infections, HIV/AIDS, UTIs	Malaria, Respiratory Infections, HIV/AIDS	Malaria, Respiratory Infections, HIV/AIDS
Availability of drugs for the prevalent diseases	Available	Available	Available

NAME OF HEALTH FACILITY	BUKULULA HEALTH CENTRE IV, KALUNGU DISTRICT	BWENDERO HEALTH CENTRE III, KALANGALA DISTRICT	BUBEKE HEALTH CENTRE III, KALANGALA DISTRICT
Any cases of expired drugs	None	none	Chrofinical injection
Latest month of receipt of drugs from National Medical Stores	April	April	April
No of Mothers who died in labour in the last six months	Not clear	None	Not certain but rarely
Distance of the health centre from the referral	20 km to Masaka Regional Hospital	19 km to Kalangala HC IV	35 km to Bukasa Health centre IV

NAME OF HEALTH FACILITY	BUKASA HEALTH CENTRE IV, KALANGALA DISTRICT DISTRICT	MULABANA HEALTH CENTRE II, KALANGALA DISTRICT	KASEKULO HEALTH CENTRE II, KALANGALA DISTRICT
List of Health services provided by the health centre	Antenatal, Admission, maternity, laboratory, ART, immunization, family planning.	Antenatal, admission, immunization, OPD, HIV testing and counselling.	Antenatal, laboratory services, immunization, ART clinic, family planning
Planned/ Bed Capacity	Wards were empty and one ward had a collapsed ceiling.	General ward	No admission unless necessary
Patients served per day (in patients/ Outpatients)	80 patients per day.	20 patients per day	20 patients per day
X Ray	None	None	None
Availability of an operational theatre	Under reconstruction.	None	none
Microscope/ fridge	Operational with immunization drugs in stock.	Available	Available
Presence of management committee	Present	Present	present
Store for drugs	Available	Available	Available though not sufficient
Safe and Clean water	Dependent on rain water stored in tank	Dependent on rain water	Dependent on rain water
Presence of incinerator/ waste pit	There is an incinerator, placenta pit and another waste pit.	Waste is simply burnt.	Waste is burnt.
Mosquito nets in the wards	None, they are distributed to expectant mothers.	None	N/A
Availability of a laboratory	Available	Available	Available

NAME OF HEALTH FACILITY	BUKASA HEALTH CENTRE IV, KALANGALA DISTRICT DISTRICT	MULABANA HEALTH CENTRE II, KALANGALA DISTRICT	KASEKULO HEALTH CENTRE II, KALANGALA DISTRICT
Availability of sanitation facilities	Available	Available	Available
No. and category of wards available	Male, female and paediatrics, maternity	One ward	General ward
Availability of wards for patients with infectious diseases	None	None	None
Longest distance to health facility	30 km	8 km	5 km
Accessibility to the health facility by PWDs, PLHA and elderly	Accessible but wheel chairs have broken down	Accessible	Not properly accessible
Do patients pay for health services	No	No	No
No. of expectant mothers who deliver	40%.	10 monthly	30%
Traditional beliefs that discourage people from accessing modern health facilities	The health centre is too far away.	The labour pains occur at night and the TBA's know better.	The health centre is far away
Doctors present vis a vis the health centre	None	none	none
Clinical officers	2	1	1
Enrolled Nurses	2	1	1
Registered Nurses	Nil	0	nil
Essential drugs in stock	Available	Available	Available
Essential drugs out of stock	Yes	no	None
Availability of health personnel dealing in NTDs	No	No	No
Availability of ambulance services for emergencies	None.	one motorcycle	One motorcycle.
Availability of supplies	No	no	No
Availability of ARVs	Available	available	Available
Availability of state of staff accommodation	few staff are accommodated, the rest rent outside.	Only three members of staff are accommodated, the rest rent outside.	Only 2 are accommodated and they at times share.
Availability of water and electricity	Rain water, electricity, solar and generator for theatre	Rain water, and solar / electricity	Solar
Availability of Delivery kits	Available	available	Available

NAME OF HEALTH FACILITY	BUKASA HEALTH CENTRE IV, KALANGALA DISTRICT DISTRICT	MULABANA HEALTH CENTRE II, KALANGALA DISTRICT	KASEKULO HEALTH CENTRE II, KALANGALA DISTRICT
Staff welfare and remuneration issues	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.
Availability of working space	Space is not enough	Working space is not enough.	Working space is limited.
Availability of computers/ internet/ telephone/official vehicle/motorcycle	One computer for the doctor, double cabin pick up.	one motorcycle	Not available.
Prevalent diseases reported at the health facility	Malaria, Respiratory Infections, HIV/AIDS, UTIs	Malaria, Respiratory Infections, HIV/AIDS	Malaria, Respiratory Infections, HIV/AIDS
Availability of drugs for the prevalent diseases	Available	Available	Available
Any cases of expired drugs	None	none	Chrofinical injection
Latest month of receipt of drugs from National Medical Stores	April	April	April
No of Mothers who died in labour in the last six months	Not clear	None	Not certain but rarely
Distance of the health centre from the referral	Approximately 70 km Kalangala HC IV	48 km to Kalangala HC IV	30 km to Bukasa HC IV

NAME OF HEALTH FACILITY	BUGOMA HEALTH CENTRE II, KALANGALA DISTRICT DISTRICT	JAANA HEALTH CENTRE II, KALANGALA DISTRICT	KACHANGA HEALTH CENTRE II, KALANGALA DISTRICT
List of Health services provided by the health centre	Antenatal, Admission, maternity, laboratory, ART, immunization, family planning.	Premises closed at the time of inspection	Antenatal, laboratory services, immunization, ART clinic, family planning
Planned/ Bed Capacity	General ward		No admission unless necessary
Patients served per day(in patients/ Outpatients)	20 patients per day.		20 patients per day
X Ray	None		None
Availability of an operational theatre	None		none

NAME OF HEALTH FACILITY	BUGOMA HEALTH CENTRE II, KALANGALA DISTRICT DISTRICT	JAANA HEALTH CENTRE II, KALANGALA DISTRICT	KACHANGA HEALTH CENTRE II, KALANGALA DISTRICT
Microscope/ fridge	No microscope/ fridge available for immunization.		Available
Store for drugs	Available		Available though not sufficient
Clean and Healthy Environment	Clean	Relatively clean	clean
Safe and Clean water	Dependent on rain water stored in tank	Dependent on rain water	Dependent on rain water
Presence of incinerator/ waste pit	There is an incinerator, placenta pit and another waste pit.		Waste is burnt.
Availability of a laboratory	Available		Available
Availability of sanitation facilities	Available		Available
No. and category of wards available	General ward	One ward	General ward
Availability of wards for patients with infectious diseases	None		None
Longest distance to health facility	48 km to Kalangala	8 km away	4 km
Accessibility to the health facility by PWDs, PLHA and elderly	Poor accessibility	Accessible	Not properly accesssible
Do patients pay for health services	No		No
No. of expectant mothers who deliver	40%.		30%
Traditional beliefs that discourage people from accessing modern health facilities	The health centre is far away.		The health centre is far away
Patient Bed ratio			
Doctors present vis a vis the health centre	none	none	none
Clinical officers	0		1
Enrolled Nurses	2		1
Registered Nurses	Nil		nil
Essential drugs in stock	Available		Available
Essential drugs out of stock	yes		None
Medicine/ drugs for neglected tropical diseases	Not available		Not available

NAME OF HEALTH FACILITY	BUGOMA HEALTH CENTRE II, KALANGALA DISTRICT DISTRICT	JAANA HEALTH CENTRE II, KALANGALA DISTRICT	KACHANGA HEALTH CENTRE II, KALANGALA DISTRICT
Availability of health personnel dealing in NTDs	No	No	No
Availability of ambulance services for emergencies	none.		none
Availability of supplies	No		No
Availability of ARVs	no	no	no
Availability of state of staff accommodation	All staff are accomodated.		Only 2 are accommodated and they at times share.
Availability of water and electricity	Rain water, solar	Rain water and solar	Solar
Availability of work tools such as Delivery kits	Available		Available
Staff welfare and remuneration issues	Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.		Most staff are complaining of missing their salaries. There is also a problem of poor housing and transport.
Availability of working space	Space is not enough	Working space is not enough.	Working space is limited.
Availability of computers/ internet/ telephone/official vehicle/motorcycle	motorcycle		Not available.
Prevalent diseases reported at the health facility	Malaria, Respiratory Infections, HIV/AIDS, UTIs		Malaria, Respiratory Infections, HIV/AIDS
Availability of drugs for the prevalent diseases	Available		Available
Any cases of expired drugs	None		none
Latest month of receipt of drugs from National Medical Stores	April		April
No of Mothers who died in labour in the last six months	Not clear		Not certain but rarely
Distance of the health centre from the referral	65 km Kalangala HC IV	130 km to Kalangala HC IV	125 km to Kalangala HC IV

Annex 15: UHRC findings on maternal and child health indicators in selected health facilities

INDICATORS	NEBBI HOSPITAL	ZUMBO HCIII	AKWORO HCIII	ZEU HCIII	ALANGI HCIII	PANYIGORO HCIII	PAROMBO HC III	PAIDHA HC III
Antenatal coverage	**2678 first visit,769 fourth visit**	**830 first visit, 416 fourth visit**	**675 first visit, 489 forth visit**	**904 first vist, 736 fourth visit**	**568 first visit, 278 fourth visit**	**638 first visit,164 fourth visit**		
Deliveries supervised by health workers	2500	404	380	390	362	125	840	375
Access to PMTCT								
Mothers who tested HIV positive	54	01	09	05	01	_	36	_
Mother to child infections	_	_	01	_	_	_	04	-
HIV/AIDS patients on ARVs	2526	_	400	350	_	_	_	634

INDICATORS	ORIAJINI HOSPITAL	PAJULU HCIII	ORIVU HCIII	WANDI HCIII	YUMBE HOSPITAL	MIDIGO HC IV
Antenatal coverage	**620 first visit, 127 forth visit**	**597 first visit, 252 fourth visit**	_	**459 first vist,88 forth visit**	**984 first visit,720 forth visit**	_
Deliveries supervised by health workers	415	482	_	460	_	754
Mothers who tested HIV positive	04	05	13	08	22	08
Mother to child infections	_	_	03	03	00	00
Infant mortality rate	01	_	_	_	61	14
Maternal mortality rate	_	_	_	01	09	
HIV/AIDS patients on ARVs	111	62	21	14	_	116
Underweight children	_	_	10	_	_	87

INDICATORS	OPENJINJI HC III	NYUMANZI HCIII	PALORINYA HCIII	ADJUMANI HOSPITAL	ADJUMANI MISSION HC III	LOGOBA HC III
Antenatal coverage	**285 first visit,117 forth visit**	**965 first visit,103 forth visit**	**128 first visit, 78 forth visit**	_	_	_
Deliveries supervised by health workers	133	_	124	1591	_	_
Mothers who tested positive for HIV/AIDS	09	08	05	06	_	10
Mother to child infections	_	_	_	01	_	_
Infant mortality rate	00	00	00	_	_	_
Maternal mortality rate	_	_	_	_	_	_
HIV/AIDS patients on ARVs	32	_	58	52	42	37
Underweight children	_	_	_	_	_	_

ANNEX 16: STATUS OF PAYMENT OF UHRC TRIBUNAL AWARDS IN 2014

1ST JANUARY TO 31ST MARCH 2014

SN	BENEFICIARY	FILE NO	JUDGMENT AMOUNT (UGX)	INTEREST	INTEREST AMOUNT	TOTAL AMOUNT (UGX)	TOTAL PAID (UGX)	BALANCE (UGX)
1	Tibalwa Stephen	UHRC/FP/58/03	12,000,000	6	-	12,000,000	5,000,000	7,000,000
2	Angom Nimanoni	UHRC/G/53/00	20,000,000	6	-	20,000,000	20,000,000	0
3	Epedu Sam & Others	UHRC/S/308/02	35,000,000	6	-	60,000,000	10,000,000	50,000,000
4	Ojul P'Otoboi	UHRC/G/168/03	4,000,000	-	-	4,000,000	4,000,000	0
5	Okello Mohammed et	UHRC/G/22/06	28,000,000	-	-	28,000,000	12,000,000	16,000,000
6	Kusemererwa Stephen	UHRC/FP/92/07	12,000,000	8	-	12,000,000	12,000,000	0
7	Onaga Joseph & 3 Others	UHRC/448/03	4,550,000	10	-	4,550,000	4,550,000	0
8	Mwambutsya Charles	UHRC/ MBR/53/05	20,000,000	6	-	20,000,000	20,000,000	0

1ST APRIL TO 30th JUNE 2014

SN	BENEFICIARY	FILE NO	JUDGMENT AMOUNT (UGX)	INTEREST	INTEREST AMOUNT	TOTAL AMOUNT (UGX)	TOTAL PAID (UGX)	BALANCE (UGX)
1	Musisi Sam	UHRC/S/242/02	9,000,000	-	-	9,000,000	9,000,000	0
2	Twaha Kabusera	UHRC/100/1997	27,000,000	-	-	27,000,000	10,000,000	17,000,000
3	Bagole Fred	UHRC/519/01	66,500,000	13,285,367 (Costs)	-	79,588,367	57,695,108	21,893,267
4	Onek Atunya Jread (Orach Otim Thomas	UHRC/G/172/01	9,000,000		-	9,000,000	4,500,000	4,500,000
5	Kafeero Jonathan	UHRC/377/03	12,000,000	6	-	12,000,000	6,000,000	6,000,000
6	Nyirabirarusha Justine	UHRC/ MBR/35/05	3,500,000	6	-	3,500,000	3, 500,000	0

1ST JULY 2014 TO 30TH SEPTEMBER 2014

SN	NAME	FILE NO	JUDGMENT AMOUNT (UGX)	INTEREST	INTEREST AMOUNT	TOTAL AMOUNT (UGX)	AMOUNT PAID (UGX)	BALANCE (UGX)
1	Ssewanyana Samuel	UHRC/299/02	12,000,000	6	-	12,000,000	15,200,000	0
2	Sunday Joseph	UHRC/FP/07/04	35,000,000	6	-	35,000,000	25,000,000	10.000,000
3	Kayira Abdulah	UHRC/JJA/021/03	9,000,000	10	-	9,000.000	9.000,000	0
4	Oluka Ericson	UHRC/SRT/01/05	20,000,000	6	-	20,000,000	20,000,000	0
5	Baganza Ronald	UHRC/445/03	35,000,000	10	--	35,000,000	34.547.000	452,007
6	Okello Dickens & Others	UHRC/G/326 /03	22,000,000	10	--	22,000,000	15.000,000	0
7	Iwolit Dismass	UHRC/S/84/03	35,000,000	6	--	35,000,000	20,000,000	15,000,000
8	Bagume John	UHRC/JJA/10/07	28,000,000	10	--	28,000,000	28,000,000	0
9	Emiriat James	UHRC/JJA/78/03	26,000,000	10	--	26,000,000	18,500,000	7.500,000
10	Ewona Joseph Ben & Others	UHRC/S/226/01	54,000,000	6	--	54,000,000	27,000,000	27,000,000
11	Auma Middy	UHRC/S/121/05	15,000,000	-	--	18,00,000	10,000,000	8,000,000
12	Kwezi Pascal	UHRC/869/04	3,000,000	6	--	3.000.000	3,000,000	0
13	Koboya Vicena	UHRC/S/422/04	25,000,000	-	--	25,000,000	5,000,000	20,000,000
14	Waniala Issah	UHRC/S/32/01	21,000,000	-	--	21,000,000	10,000,000	11,000,000
15	Magomu Jack	UHRC/S/32/01	21,000,000	-	--	21,000,000	10,000,000	11,000,000
16	Masawana Francis	UHRC/S/32/01	2,813,000	-	--	28,000,000	28,000,000	0

SN	NAME	FILE NO	JUDGMENT AMOUNT (UGX)	INTEREST	INTEREST AMOUNT	TOTAL AMOUNT (UGX)	AMOUNT PAID (UGX)	BALANCE (UGX)
17	Ochom James	UHRC/40/03	3,150,000	10	--	3,150,000	3.150,000	0
18	Mugisha John	UHRC/111/01	8,000,000	-	--	8,000,000	8,000,000	0
19	Yusuf Nsiko	UHRC/900/2000	5,000,000	6	--	5,000,000	5,000,000	0
20	Nsiko Mohammad	UHRC/900/2000	6,000,,000	6	--	6,000,000	6,000,000	0
21	Acau margaret	UHRC/S/143/01	5,500,000	-	--	5,500,000	5,500,000	0
22	Lokwen Kadek & Others	UHRC/ MRT/42/04	30,000,000	-	--	30,000,000	10,000,000	20,000,000
23	Senabulya Emmanuel	UHRC/ MSK/19/011	4,000,000	-	--	40,000,000	0	40,000,000
24	Odokonyero Robinson	UHRC/G/1/04	10,000,000	-	--	10,000,000	5,000,000	5,000,000
25	Sichong George & 20 Others	UHRC/S/244/01	6.000,000	-	--	6,000,000	6,000,000	0
26	Lodero Sebestian	UHRC/ MRT/18/04	20,000,000	-	--	20,000,000	10,000,000	10,000,000
27	Namwase Ivan and another	UHRC/75/04	30,000,000	-	--	30,000,000	8,000,000	22,000,000
28	Ogwang Johnson	UHRC/ARU/2/08	3,000,000	-	--	3,000,000	3,000,000	0
29	Muterisa Khalid	UHRC/FPT/26/03	11,000,000	-	-	11,000,000	11,000,000	0
30	Akuguzibwe Amon	UHRC/FP/47/06	13,000,000	-	-	13,000,000	13,000,000	0
31	Busingye David	UHRC/FP/13/06	12,00,000	-	-	12,000,000	12,000,000	0
32	Kyalimpa Godfrey	UHRC/146/06	16,500,000	547 URA	-	16,500,000	16,500,000	0
33	Nakimera Irene	UHRC/J/66/06	25,000,000	100,000	-	26,000,000	26,000,000	0
34	AtornGod Arthur	UHRC/153/00	18,334,392	-	-	18,334,392	10,000,000	8,334,392
35	Joseph Kisa Kibati	UHRC/55/03	16,350,000	-	10	16,350,000	0	0

1ST OCTOBER 2014 TO 31ST DECEMBER 2014

SN	Beneficiary	File No	Judgment Amount (Ugx)	Interest	Interest Amount	Total Amount (Ugx)	Total Paid (Ugx)	Balance
1	Kubal Alex & Others	UHRC/253/03	41,250,000	6	-	41,250,000	41,250,000	0
2	Zirimu Johnson	UHRC/344/04	21,780,000	10	-	21,780,000	21,780,000	0
3	Ongom Nimanoni	UHRC/G/55/00	20,000,000	6	-	20,000,000	20,000,000	0
4	Obong Sam	UHRC/G/326/03	12,000,000	10	-	12,000,000	12,000,000	0
5	Ogwang Tony	UHRC/G/326/03	22,000,000	10	-	22,000,000	22,000,000	0
6	Ayen Jimmy	UHRC/ MRT/44/04	32,000,000	-	-	32,000,000	10,000,000	22,000,000
7	Ekoder Peter	UHRC/S/24/05	400,000	6	-	400,000	400,000	0
8	Monday Apollo	UHRC/495/01	16,000,000	6	-	16,000,000	16,000,000	0
9	Bukenya Edward	UHRC/FP/72/03	100,000	6	-	100,000	100,000	0
10	Byaruhanga Charles	UHRC/FP/9/07	6,000,000	6	-	6,000,000	6,000,000	0
11	Onek Manasi Latigo	UHRC/G/22/00	2,000,000	-	-	2,000,000	2,000,000	0
12	Mudhasi Margaret and Semakula Abdul	UHRC/295/01	32,000,000	6	-	32,000,000	16,000,000	16,000,000
13	Ssonko Zubari	UHRC/1137/02	3,000,000	6	-	3,000,000	3,000,000	0
14	Mutale Moses	UHRC/241/04	5,000,000	-	-	5,000,000	5,000,000	0
15	Kasasa Patrick	UHRC/295/04	10,000,000	6	-	10,000,000	5,325,000	0
16	Karuta Richard & Munyaziku Francis	UHRC/ MBA/79/04	48,380,000	-		48,380,000	12,000,000	36,380,000
17	Tabisa Anayngo & Others	UHRC/J/80/05	20,000,000	-	-	20,000,000	10,000,000	10,000,000
18	Onyuthfua Elliot Alfred	UHRC/47/09	5,000,000	-	-	5,000,000	5,000,000	0
19	Elyetu Safi	UHRC/S/5/06	16,000,000	-	-	16,000,000	8,000,000	8,000,000
20	Omoding Joseph	UHRC/S/208/05	16,000,000	10	-	16,000,000	16,000,000	0
21	Salim Afan	UHRC/J/69/03	20,000,000	6	-	20,000,000	10,000,000	10,000,000
22	Wasswa Samuel	UHRC/482/01	20,000,000	-	-	20,000,000	10,000,000	10,000,000
23	Mugisha David	UHRC/482/01	90,720,000	-	-	90,720,000	65,000,000	25,720,000

SN	Beneficiary	File No	Judgment Amount (Ugx)	Interest	Interest Amount	Total Amount (Ugx)	Total Paid (Ugx)	Balance
24	Olanya Valentino	UHRC/G/23/03	35,000,000	-	-	35,000,000	15,000,000	20,000,000
25	Okello Vincent Lajany	UHRC/150/04	23.000.000	-	-	23.000.000	23,000,000	0
26	Obong Simon Oboka	UHRC/G/113/03	5.000,000	10	5.000,000	5.000,000	5.000,000	0

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